

UNIT PLACEMENT ISSUES IN CASES 5-RC-14908 and 5-RC-14909

1. BGE'S ELECTRIC TRANSMISSION AND DISTRIBUTION DIVISION

The Electric Transmission and Distribution Division (ETDD) constructs, maintains, and operates the equipment necessary for delivering electricity from the generating plants. The division is headed by a vice president. Within the ETDD, there are five departments: Business and Interconnection Management (Department 33); Transmission and Distribution Operations & Maintenance (Department 36); Electric Systems Operations & Planning Department (Department 37); Substation & System Protection (Department 38); and New Business & Distribution Construction (Department 39).

**A. BUSINESS & INTERCONNECTION MANAGEMENT
DEPARTMENT**

Office 33-00-01 - Mgr. John Schlee, Jr.

The Business & Interconnection Management Department (Department 33) is responsible for system forecasting, transmission planning, interconnection management, performance management, information technology use, materials procurement, and contract services for the ETDD. The department contains three units: two Interconnection Management Units and the Materials Contract Services Unit. There also are two sections under Department 33: the Business Performance Section and Information Technology Section.

The only disputed positions in this department are in the Materials & Contract Services Unit, the Resources and Workload Management Unit within the Business Performance Section, and the Application Development and Support Unit within the Information Technology Section.

Materials & Contract Svcs. Unit, 33-00-03 – Dir. Thomas Lowe

The Materials & Contract Services Unit 33-00-03 handles contract administration duties and coordinates the payment of contractors, particularly those used by Departments 36 and 39. This unit also manages the inventory of the materials and supplies used to construct and maintain the electric system. Finally, this unit is charged with improving procurement-related processes for materials and services.

The ETDD uses outside contractors to perform a variety of functions including new business construction, vegetation management, utility locating, street light installation, transformer testing and inspection, painting, and general staff augmentation. The Contract Administration team coordinates the hiring of those contractors. Another team coordinates the payment of contractors, particularly contractors that generate a lot of business activity for the New Business & Distribution Construction Department 39 and the Transmission & Distribution Operations & Maintenance Department 36. Generally, payment records are developed in the field between the contractor and an inspector and payment is made on a unit basis according to portions of work completed. The Materials Engineering team determines the specifications of the materials and supplies that are used to construct, maintain, and operate the system, such as transformers, cable, wire, etc. This group selects products from manufacturers' catalogs and deals with suppliers and with quality control issues. The Procurement Performance Management Team consists of a small group of analysts that focus on procurement-related process improvement so that better materials and contracted services are provided to the ETDD.

The Materials & Contract Services Unit is located at Front Street, except that one senior administrative assistant, Gary Heisey, and his work leader, are located at Dorsey, and one contract administrator (excluded classification) works at the Windsor Office Building. The Purchasing & Materials Management Department 73-00-04 in the General Services Division is co-located with 33-00-03 at Front Street. The Materials & Contract Services Unit provides for key functions for the ETDD: contract administration; coordination of the payment of contractors; materials engineering; and procurement performance management. Work group 3 is responsible for materials engineering. This work group reports to a typical office environment on the fourth floor at Front Street and consists of a lead engineer work leader, senior engineer, engineering analyst, senior distribution technician, distribution technician, and senior administrative assistant. Work group 5 coordinates payments to contractors. This work group consists of two senior administrative assistants, who are supervised by a principal administrative assistant work leader. There are no other classifications in work group 5.

The Petitioner would include the distribution technician and senior distribution technician in the ETDD technical unit petitioned-for in 5-RC-14908. The Petitioner would exclude the senior administrative assistants from any appropriate unit. The Employer would include the distribution technician, senior distribution technician, and senior administrative assistants in an appropriate production and maintenance unit. Alternatively, the Employer would include the distribution technician and senior distribution technician in the BGE-wide (former UOG-wide) technical unit if I find that they are technical employees and that this unit is appropriate.

Distribution Technician, 33-00-03

The distribution technician, Mike Gibson, is in pay grade 29. He reports to the third floor at Front Street where he spends about 35 percent of his time. He may work flex time, although typically he must be present at service center meetings early in the morning when crews are available before they leave for their daily assignments.

The distribution technician concentrates on the tool procurement process. The distribution technician works with field personnel in the Transmission & Distribution Operations & Maintenance Department 36 and the New Business and Distribution Construction Department 39 to help them buy the tools they need and to test the tools that they are considering for purchase. He performs similar functions for overhead hardware and for miscellaneous materials in general. The distribution technician attends service center meetings with the construction crews and addresses issues concerning tools and materials that arise. BGE buys a lot of non-stock tools and the distribution technician works with the service centers and field organizations to obtain their tool requirements. At service center meetings, the distribution technician communicates information concerning new materials and tools that BGE may be rolling out or that he would like the field crews to test and evaluate for him. The distribution technician spends quite a bit of his time obtaining requirements for non-stock tools from the field organizations. He may interact with the supervisor of distribution construction, a crew leader, or an overhead mechanic. The distribution technicians typically interact with overhead crews by phone and at monthly safety information meetings.

Often, the distribution technician arranges for tools that he has ordered to be delivered to the Front Street office and he will deliver the tools that he purchases to field organizations at service centers. The senior administrative assistant in 33-00-03 and a senior administrative assistant in the Purchasing & Materials Management Department 73-00-04, assist the distribution

technician to make low dollar value purchases using procurement cards or limited value purchase orders. The distribution technician interacts with the procurement coordinator from the Purchasing & Materials Management Department 73-00-04 and with suppliers. There are procurement coordinators on the purchasing team that are responsible for tools and for overhead hardware. The distribution technician spends about 20 to 25 percent of his time dealing with suppliers. The distribution technician will interact with those procurement coordinators concerning issues with suppliers.

Both the senior distribution technician and the distribution technician interact with material handlers, truck drivers, and truck driver-heavy (included classifications) in 73-01 a couple times a month. When problems are reported in the field concerning a particular piece of material, the distribution technician will visit the central warehouse at the Rutherford Business Center to work with the materials handlers in 73-01. The distribution technician and material handlers will pull down or examine similar stock to determine if the defects in field stock exist in inventory. The distribution technician also works with the materials handlers to insure that custom instructions are properly packaged and conform to construction standards. Sometimes, tools or other non-stock materials that the distribution technician orders are delivered to or returned from the central warehouse and he will stop by the central warehouse to pickup or return those items.

The distribution technician also uses the storage facilities and loading areas at the Front Street Service Center. The loading dock is in the garage where crew trucks are parked and where the outdoor lighting shop is located. He will bring boxes of material up from a loading dock at Front Street. He inspects the material at his desk, performs whatever paperwork is necessary, hands off the receipts to the senior administrative assistants, and returns the material to the loading dock where he loads up his station wagon for any deliveries that he needs to make.

The distribution technician needs to have an extensive knowledge of field operations, construction standards and work practices in order to help field organizations with tool requirements. He also needs good writing, communication and interpersonal skills to function in the office environment. The distribution technician does not perform any designing functions. He works with the senior engineers and engineering analysts about 5 to 10 percent of his time. He does not write a lot of reports. He will complete an item specification sheet for manufacturer part numbers.

The record testimony established that the applicable job description (Er. Exh. 4, #162A) is generally inaccurate. For example, the record testimony established that the distribution technician does not need to satisfy any particular educational requirements but must have a "real knowledge" of field construction and maintenance activities. In fact, Director Lowe testified that he is authorized to change basic qualification No. 1 in the applicable job description if he was hiring a new distribution technician. The record established that Mr. Gibson has held a number of design-type jobs as well as jobs in the areas of materials engineering and construction standards, and that a prior distribution technician had a background as an overhead mechanic. Mr. Gibson has obtained his knowledge of the tool procurement process through on-the-job training.

The distribution technician and senior distribution technician are patrollers during storm restoration efforts. The distribution technician shares local RIA goals with the tool team that includes the buyer and procurement coordinator in 73-00-04, and unspecified representatives from the Gas Division, Substation & System Protection Department 38, and Materials

Distribution Section in the Purchasing & Materials Management Department of the General Services Division.

I conclude that the distribution technician in 33-00-03 is not a technical employee and that he shares a community of interest with production and maintenance employees and should be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. The record fails to establish that the distribution technician performs work of a such a technical nature that it involves the use of independent judgment or the exercise of specialized training usually acquired in colleges, technical schools or specialized courses. The record established that the primary function of the distribution technician is the testing, procurement and distribution of tools and hardware that are used in construction, and the resolution of problems that field personnel may have with tools. The distribution technician delivers the tools to production and maintenance employees in field, such as overhead crew leaders and overhead mechanics and spends a majority of his time interacting with production and maintenance employees. The distribution technician also interacts directly with production and maintenance classifications in 73-00-01, including material handlers, truck drivers, and truck drivers-heavy. The distribution technician performs pickup, delivery, coordination and inventory inspection functions that are similar to those performed by other production and maintenance employees included in the production and maintenance unit in 5-RC-14909, such as truck drivers, material handlers, and storeroom coordinators. The distribution technician generally works the same hours as production and maintenance employees, and must be present at service center meetings in the early morning before field crews leave for their daily assignments. Although the distribution technician works under separate immediate supervision in Department 33, he shares supervision from the lead engineer work leader in work group 3 with the senior distribution technician, whom I have also included in the BGE-wide production and maintenance unit, for the reasons discussed below. The distribution technician has similar functions and skills to production and maintenance employees, and helps out production and maintenance employees, such as material handlers, to perform unit work. The distribution technician's focus on the tool process is functionally integrated with unit work, and the distribution technician shares similar wages, benefits, and working conditions with production and maintenance employees. In these circumstances, I shall include the distribution technician in 33-00-03 in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Senior Distribution Technician, 33-00-03

The senior distribution technician, Bill Laumann, is in pay grade 31 in work group 3. He is supervised by the lead engineer work leader in work group 3, who also supervises the senior engineer, engineering analyst, distribution technician and senior administrative assistant in work group 3. The senior distribution technician is part of the Materials Engineering Team located on the fourth floor at Front Street. He can work flex time. He spends about 30 percent of his time at the Front Street complex.

A Procurement Performance Management Team manages the overall transformer process. The team consists of a distribution transformer tester, the senior distribution technician, a buyer, the procurement coordinator, and an analyst. The senior distribution technician in 33-00-03 is involved in a very detailed way with the coordination of the transformer process. He has considerable expertise with distribution transformers. He works with suppliers to manage the quality of transformers. He works very closely with the Equipment Diagnostic & Repair Center (EDRC) in 36-05-04. The EDRC receives, tests, and repairs transformers. Mr. Laumann does not perform electrical testing, but he does independently handle mechanical problems that involve

the layout of transformer components such as bushings, spades, and switches. Mr. Laumann works at the EDRC about 15 percent of the time, but communicates daily with the EDRC.

The EDRC has a large shop floor where the senior distribution technician works directly with the distribution transformer tester and electrical testers (included production and maintenance employees in 5-RC-14909) to inspect pieces of equipment. Every transformer is inspected. About 20 percent of the time, there is a quality problem with a transformer. The senior distribution technician and the distribution transformer testers spend a lot of time dealing with quality issues. The senior distribution technician also discusses transformer problems with the electric testers (included production and maintenance classification) in 36-05-04. The senior distribution technician and the electric testers also work together out in the central warehouse yard at the Lord Baltimore Building at the Rutherford Business Center, where the Equipment Diagnostic & Repair Center is located and the transformers are stored. The senior distribution technician collaborates with the distribution transformer testers in 36-05-04 about problems that exist with transformers and about how to make repairs. The senior distribution technician and the distribution transformer tester also collaborate concerning corrective action reports that are sent to suppliers. The senior distribution technician will sometimes help the testers make minor repairs to equipment, such as removing bushings, opening the lid on a pad-mounted transformer, or opening the doors on a larger three-phase transformer. He will help the distribution transformer testers obtain spare parts to repair transformers. He will perform inspections of transformers in the central warehouse yard. His principal interaction is with the distribution transformer testers and electrical testers (included production and maintenance classifications), and to a lesser extent, the instrument technicians (included production and maintenance classification) in 36-05-04. His involvement with the EDRC is constant and constitutes a large part of his job. The senior distribution technician spends only about 5 to 10 percent of his time with engineering personnel.

The senior distribution technician also works with the procurement coordinator in the Purchasing & Materials Management Department 73-00-04 of the General Services Division located on the fourth floor at Front Street. This procurement coordinator is responsible for managing the transformer inventory and works together with the senior distribution technician to resolve quality issues from suppliers. This procurement coordinator also seeks advice from the senior distribution technician about whether a spare transformer needs to be replenished. The senior distribution technician has significantly reduced the amount of time that he spends with inventory management or the BIS system. The procurement coordinators now handle this area. The procurement coordinator and a senior distribution technician sit relatively close to each other and interact almost daily. The senior distribution technician discusses quality problems concerning transformers in field with splicing crew leaders, cable splicers, and cable installers (included production and maintenance classifications) in 36-06 or with overhead crew leaders and overhead mechanics (included production and maintenance classifications) in 36-23. On a few occasions a year, the senior distribution technician works with a buyer (excluded classification) from the Purchasing & Materials Management Department 73-00-04 concerning special needs for nonstandard transformers. The senior distribution technician makes writes reports to the senior engineer and Director concerning recommendations about products or purchase specifications and his recommendations are generally accepted. The senior distribution technician spends about 15 percent of his time interacting with transformer vendors and may visit a vendor site once a year.

With regard to knowledge and skills, the senior distribution technician needs to have knowledge of the equipment and materials related to transformers, transformer pads, and other components related to the transformers such as bushings, connectors and switches. The senior distribution technician also must be familiar with construction standards and must have general

administrative and record keeping skills and good communication skills because he works with a wide variety of people such as suppliers, testers, procurement personnel, and design personnel.

The senior distribution technician uses personal protective equipment such as safety glasses and work shoes. He also uses overhead and underground construction standards and desktop-computer software. He will develop spreadsheets and prepare Word documents. The senior distribution technician prepares material alerts about equipment issues for construction crews after receiving approval from engineers or supervisors. He writes changes to transformer specifications a couple times a year. He compiles BGE requirements to describe to the manufacturer the performance characteristics of the transformer that he wants. He does not write electrical specifications.

Mr. Laumann previously managed the inventory for spare transformers at the EDRC for several years. The employee training records for the senior distribution technician and distribution technician indicate that in March 1998 they took a course concerning Effective Presentation Skills and Effective Writing Skills. The distribution technician and senior distribution technician are patrollers during storm restoration efforts.

The record testimony established that the summary of duties in the applicable job description (Er. Exh 4, #729A) is inaccurate. The record testimony established that the senior distribution technician needs experience that is focused on distribution construction and maintenance and that this classification must be able to make general business calculations, but not complex technical and economic calculations. The senior distribution technician does not interpret engineering or construction drawings, although he does review supplier drawings of equipment. The record testimony established that the senior distribution technician should be familiar with DMIS and to a lesser extent WMS, but need not be familiar with service tariffs, load forecasting tools and techniques, or CADD (computer assisted drafting and design).

I conclude that the senior distribution technician in 33-00-03 is not a technical employee and that he shares a community of interest with production and maintenance employees and should be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. The record fails to establish that the senior distribution technician performs work of a such a technical nature that it involves the use of independent judgment and the exercise of specialized training usually acquired in colleges, technical schools or specialized courses. The record established that the primary function of the senior distribution technician is to coordinate work with transformers. He spends the majority of his time with distribution transformer testers and electrical testers, both undisputed production and maintenance positions, from the Equipment Diagnostic & Repair Center Unit 36-05-04. He works side by side with these production and maintenance employees to inspect transformers and make minor repairs in the shop or warehouse yard. In fact, the senior distribution technician's prior experience managing the inventory for spare transformers at the EDRC provided him with the background for his current position. The senior distribution technician also works directly with splicing crew leaders and cable splicers concerning cable splicing problems, and with overhead leaders and overhead mechanics concerning transformer problems. Although the senior distribution technician works under separate immediate supervision in Department 33, he shares supervision from the lead engineer work leader in work group 3 with the distribution technician, whom I have also included in the BGE-wide production and maintenance unit, for the reasons discussed above. The senior distribution technician has similar functions and skills to production and maintenance employees, and helps production and maintenance employees in the EDRC to perform unit work. The senior distribution technician's focus on resolution of transformer issues is functionally integrated with

unit work, and the distribution technician shares similar wages, benefits, and working conditions with production and maintenance employees. In these circumstances, I shall include the senior distribution technician in 33-00-03 in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Senior Administrative Assistants, 33-00-03

The senior administrative assistants are in pay grade 26. Delores Bacon is the senior administrative assistant on the Materials Engineering Team located on the fourth floor at Front Street. Gary Heisey is the senior administrative assistant on the Contractor Payment Team at Dorsey. Bobbie Cargo has been on temporary assignment as a field support assistant in the Meter & Installation Unit 39-11-03 in the New Business & Distribution Construction Department since March 1999.

Ms. Bacon typically works the same hours as the distribution technician and senior distribution technician, from 6:30 or 7 a.m. until 3 or 3:30 p.m., with flex time. She performs four or five different functions. The record established that both Ms. Bacon and Mr. Heisey spend about 40 percent of their time on the computer.

Ms. Bacon serves as the liaison between the supplier of custom-fitted fire retardant clothing and the field construction and maintenance crews. She assists field personnel such as supervisors of distribution construction, overhead crew leaders, overhead mechanics, service operators, and underground mechanics, to place orders for such clothing. Usually, this occurs over the telephone, although she periodically visits the service centers. She spends about 25 to 35 percent of her time with the fire retardant clothing program. In addition, she assists the distribution technician to place orders for tools and works with the procurement coordinator in 73-00-04 and with suppliers. She spends about 30 percent of her time with the tool process. When ordering tools, she has occasion to interact with field support assistants at the service centers and crew leaders or crew members who need the tools. She does not typically visit the central warehouse, but might call a material handler to see if a delivery has arrived. She enters receipts for tools into the purchasing system, handles supplier invoice issues, and backs up his phone calls from field. She also spends about 5 to 10 percent of her time responding to customer inquiries that are routed to her from the Customer Call Center concerning the hazards of transformers and whether they contain PCBs. She looks up transformer data in DMIS or the Electric Equipment Data Acquisition (EEDA) System. She also contacts the senior distribution technician, Bill Laumann, to obtain data about transformers. After she obtains the necessary information about the transformers, she conveys this information back to the Customer Call Center for direct response to the customer inquiry.

The remainder of her time is spent on other administrative duties. She provides general administrative support to the unit such as filing material, keeping track of records on materials safety data sheets, delivering mail, setting up meetings, issuing material alerts, printing copies, addressing envelopes and mailing the material alerts to about 80 people on the distribution list. She makes sure that all materials specifications are current and properly organized. She spends about 5 percent of her time supporting the engineers. She spends more time supporting the distribution technician and the senior distribution technician. The record testimony established that she previously held a number of clerical positions.

Gary Heisey and Bobbie Cargo are located at Dorsey. Ms. Cargo is on short-term disability. Gary Heisey typically works 6:30 a.m. to 3 p.m., with flex time. He spends about 95

percent of his time in a typical office environment and about 40 percent of that time using the computer. He works with the work leader to coordinate the process of paying outside contractors. Gary Heisey inputs reports concerning completed contractor work into the Construction Time Entry System and spends 10 to 15 percent of his time maintaining a file of these reports. These reports are typically prepared by the contractor crew leader and approved by the senior construction inspector. The contractor crew leader and senior construction inspector visit his desk on a daily basis to obtain copies of reports. If Mr. Heisey has questions about codes used to indicate contractor work performed, he will ask the contractor crew leader or senior construction inspector to determine the proper code so that record keeping is accurate. Mr. Heisey verifies contractor timesheets and works with the contract administrators (excluded classification) in 33-00-03 about 5 percent of the time. Mr. Heisey will handle overflow data entry work for the Forestry Damage and Maintenance Management Section 36-04 that uses a lot of outside contractors. He will be working with one of the foresters (excluded classification). Mr. Heisey will also perform timesheet data entry work for temporary manpower used for staff augmentation contracts. The record testimony established that Mr. Heisey has previously held a number of clerical positions related to invoice processing.

I conclude that the senior administrative assistants in 33-00-03 are office clerical employees and should be excluded from any of the petitioned-for units. They have different skills and functions than unit employees, they work exclusively in an office environment performing clerical and administrative tasks, they have separate immediate supervision from production and maintenance employees and technical employees, and they do not interchange with unit employees. There is no evidence that Mr. Heisey has any contact with production and maintenance or technical employees, and the fact that Ms. Bacon interacts with construction personnel when procuring protective clothing for them does not convert her into a plant clerical employee. Cf. Weldun, Inc., 321 NLRB at 735; Continuous Curve Contact Lenses, 236 NLRB at 1332 n.6; Nuturn Corp., 235 NLRB 1139. In these circumstances, I shall exclude the senior administrative assistants in 33-00-03 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

Applications Dev. & Sup. Unit, 33-00-05 (formerly 33-02-04)

This group was set up in the reorganization in April 1999 to provide central information technology support for the ETDD. It acts as a liaison between the organizational units throughout the ETDD Division and the Information Technology Department in the General Services Division. The Applications Development & Support Unit is co-located with individuals from 71-01-04 (all excluded classifications), who work together to support the ETDD's applications.

After the close of the hearing, the parties stipulated to the following paragraph: This unit now reports directly to the department manager and, in the process, its unit number was changed to Unit 33-00-05. The Systems Support Technician assigned to that unit performs the same job duties as in the former organization and as was presented in the hearing. This position has been vacant since January 2000, but is currently posted and expected to be filled before the election.

Systems Support Technician, 33-00-05 (formerly 33-02-04)

The parties stipulated that the systems support technician is a technical employee. This classification is in pay grade 30 and is located at Front Street on the fourth floor. Throughout 1999, there were two systems support technician positions in former 33-02-04, one in work group 2 and one in work group 3.¹ The job in work group 3 was left vacant. The other systems support technician position in work group 2 was filled up until December 31, 1999. At that time, the incumbent, Susan Trader, posted for and accepted another position in the Gas Distribution Division as a part-time functional business analyst. Ms. Trader was previously a functional business analyst and voluntarily stepped down to a weekly part-time position as systems support technician.

Other employees within this unit are performing the duties of the systems support technician in work group 2. All the other classifications in this work group are excluded from any of the units found appropriate herein.

The systems support technician supports the unit's functional business analysts (excluded classification) to fulfill the information technology needs of the various departments of the division. The work focuses on the use of personal computers throughout the ETDD. Specific duties include ordering and acquiring hardware, software and color computer equipment; developing and maintaining web pages; providing training throughout the division on new software packages or enhancements that have been done to existing software systems; and providing support concerning access data bases or other applications that are used throughout the division.

I conclude that the systems support technician is a technical employee and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. The record established that the systems support technician performs technical work in the information technology field that is similar to, and generally performed under the same conditions as, the work performed by the systems support technicians in the General Services Division (Units 77-03-02 and -03), whom the parties have stipulated are technical employees and whom I have included in the BGE-wide technical unit found appropriate in 5-RC-14908. The skills and functions of the systems support technician are focused on computer technology in the office and are significantly different from the skills and functions of the production and maintenance employees, who maintain utility operations in the field. The systems support technician assists the functional business analysts to support the information technology needs of the various departments by, inter alia, ordering hardware and software, developing and maintaining web pages, training employees to use new software, and helping to identify and resolve software problems. In these circumstances, I shall include the systems support technician in the Applications Development & Support Unit 33-00-05 (formerly 33-02-04) in the BGE-wide technical unit found appropriate in 5-RC-14908.

Business Performance Section, 33-01-01 – Director, Lisa Leavitt Willie

Within the Business and Interconnection Management Department 33 there is a Business Performance Section 33-01-01, that manages the ETDD's budget. The Budget Development & Cost Analysis Unit 33-01-02, headed by Mr. Senseney, is dedicated to developing the ETDD's

¹ Two other system support technician positions that were in work group 3 have been eliminated.

budget and cost analysis. The Business Performance and Financial Analysis Unit 33-01-03, headed by Mr. Ritterhoff, is dedicated to analyzing the ETDD's business performance and finances.

Resource & Workload Mgmt Unit, 33-01-04 – Supervisor, Rodney Hillman

The Resource and Workload Management Unit acts as the divisional coordinator or facilitator of resource and workload planning and management. This unit works with each line organization to develop their workload, effectively utilize employee resources, and meet budget. This unit also coordinates all service level agreements for BGE and coordinates the movement of facilities and the maintenance of records for cell phones and pagers.

Construction Management Technician, 33-01-04

Thomas Baldwin is the construction management technician in pay grade 31. He generally works from 6:30 a.m. to 3:00 p.m. in a typical office environment in the Electric Operations Building (EOB) at the Rutherford Business Center. He has flex time available. The construction management technician spends about 90 percent of his time working in the EOB. He is supervised by the project manager-resource planning work leader, who also supervises other classifications excluded from any of units at issue.

The construction management technician sets up computer databases and develops reports to assist the ETDD to track and evaluate the workload of its departments. He performs a lot of information technology work that involves report development and database construction related to resource and workload management issues. He participates on project teams with the system support technician and IT analysts in General Services Department 91 as well as with accounting employees to determine whether to purchase computer applications. Basically, he develops databases or works with the project team to specify requirements for a computer system and software vendor.

Approximately 45 percent of his time is devoted to workload-related items. Another 45 percent of his time is devoted to information technology related databases or reports. Ten percent of his time is devoted to storm support and other miscellaneous things. Although he is not on the official storm roster, he has recently worked during large storms at the Piney Orchard Service Center to coordinate work orders for the service crews. Five to 15 percent of his time is spent working with the functional business analyst and 5 to 10 percent of his time is spent working with Supervisor Hillman. The construction management technician shares database information with project managers in 36-04-05 and the construction management analyst and senior engineer in 39-10-02.

He developed a database to track damages for Department 36. He has developed some reports that allow construction managers to track costs and workload hours spent on new business and construction projects. He develops reports on a month-to-month basis to identify where work has not been completed. He may make suggestions to the business analyst or supervisor in 33-01-04 concerning how to handle resources. The construction management technician also analyzes information in computer databases after gathering the data and before preparing a report.

The construction management technician must possess information technology skills related to various software packages and must have a basic working knowledge of project management techniques from an information technology perspective. In addition, this job

requires good written and verbal communication skills. The construction management technician has taken computer classes through BGE to enable him to perform better the functions of the construction management technician position. Such courses included Microsoft Access-related courses, Introduction to Access, Intermediate Access, Microsoft Access 2.0 Advanced and Business Objects. The Petitioner does not seek to include the construction management technician in the ETDD technical unit sought in 5-RC-14908.

I conclude that the construction management technician does not share a community of interest with employees in any of the units found appropriate herein. I note that none of the parties seek to include the construction management technician as a technical employee. The construction management technician has separate supervision from unit employees and works in an office environment, utilizing skills related to information technology, resource allocation, project management and verbal and written communication. There is no evidence that the construction management technician interacts with or interchanges with any unit employees or that he ever performs any physical labor in the field. Nor is there evidence that his skills and duties are sufficiently like those of technical employees to warrant his inclusion in the BGE-wide technical unit found appropriate in 5-RC-14908. In these circumstances, I shall exclude the construction management technician in 33-01-04 from any of the units found appropriate herein.

Principal Administrative Assistant, 33-01-04

The principal administrative assistant, Bill Glover, is in pay grade 28. Like the construction management technician, he is supervised by the project manager-resource planning work leader, who supervises other classifications excluded from any of units at issue. The principal administrative assistant, Mr. Glover, was a construction data analyzer. The principal administrative assistant works 7 a.m. to 3:30 p.m., with flex time.

The principal administrative assistant works in a typical office environment in the Electric Operations Building. The principal administrative assistant spends 80 to 90 percent of his time working in the EOB. He does leave the office, on occasion, to walk down BGE facilities, such as service centers, but he does not visit construction sites.

The principal administrative assistant keeps track of divisional resources such as cell phones, pages, computers, and vehicles. The principal administrative assistant also coordinates facility moves with the General Services Division and coordinates meetings and service level agreements with service providers for items purchased for the ETDD. He is generally working with facilities and equipment technicians in Department 75, when coordinating facility moves. The principal administrative assistant acts as a liaison to look out for the interests of the ETDD. The principal administrative assistant works with budget coordinators and principal administrative assistants in other departments within the division to track resources.

About 25 percent of the principal administrative assistant's job involves conversations about building maintenance and modifications issues with facilities and equipment technicians in Department 75. These issues arise during facility moves. For example, there may be a problem with air-conditioning at a new facility. The principal administrative assistant makes sure that the problem is communicated to the facilities and equipment technician so that the work can be done properly. Five to 10 percent of the principal administrative assistant's time is spent tracking or gathering information about division vehicles. The principal administrative assistant flags discrepancies in division resource allocations and brings them to the attention of supervisors. The

resource tracking that the principal administrative assistant performs basically involves putting information in databases.

I conclude that the principal administrative assistant in 33-01-04 should be excluded from any of the units found appropriate herein. The principal administrative assistant has different skills and functions than unit employees. He works almost exclusively in an office environment, under different conditions and supervision than unit employees. He performs administrative tasks, such as reviewing service level agreements and tracking resources. He has no interchange with unit employees and any interaction is basically limited to tracking resources or coordinating facility moves to make them as efficient as possible. There is no evidence that his skills and duties are sufficiently like those of technical employees to warrant his inclusion in the BGE-wide technical unit found appropriate in 5-RC-14908. In these circumstances, I shall exclude the principal administrative assistant in 33-01-04 from any of the units found appropriate herein.

B. TRANSMISSION & DISTRIBUTION (T&D) OPERATIONS & MAINTENANCE DEPARTMENT 36

The Transmission and Distribution Operation & Maintenance Department 36 is responsible for all proactive and reactive maintenance that takes place on both the transmission and distribution systems, as well as design engineering and construction on the underground distribution system and the entire transmission system. Five sections comprise Department 36: Distribution Lines Operations/Maintenance Master Section 36-20; Distribution Construction (Underground) Section 36-06; Transmission Engineering Construction & Maintenance Section 36-01; Forestry Damage/Maintenance Management Section 36-04; and Customer Reliability Assurance Section 36-05.

The Transmission Distribution Operations and Maintenance Department 36-00-01 is responsible for all the proactive and reactive maintenance that takes place on both the transmission and distribution system. The Transmission Engineering Construction and Maintenance Section 36-01-01 performs design engineering and construction on the entire transmission system in addition to operations and maintenance. The Distribution Construction (Underground or UG) Section 36-06-01 performs construction on the underground distribution system in addition to proactive and reactive maintenance on underground lines and cables.. The Distribution Construction (Underground or UG) Section work along with the Transmission Engineering and Construction and Maintenance Section to execute the maintenance and construction programs and to provide manpower to act as transmission inspectors when new systems are being built. The Forestry Damage/Maintenance Management Section 36-04-01 executes proactive and reactive maintenance on forestry and prevents damage of forestry. The Maintenance Management Unit 36-04-05 prioritizes and monitors department work load and resources.

Transmission Eng. Construction & Maint. Sect., 36-01-01

The Transmission Engineering Construction & Maintenance Section 36-01-01, under Director, Guive Nabet, has responsibility for the maintenance, operation, construction and inspection of the overhead and underground transmission system. The record reflects that about 30 to 40 percent of the inspection, maintenance, and construction functions are performed by outside contractors. About 25 to 30 percent of the total inspection function is performed by outside contractors. This Section moved in November 1999 from the Rutherford Business Center to the second floor of the Front Street building.

There is a Transmission Construction Unit 36-01-02, supervised by Mark Unfried, in the Transmission Engineering Construction & Maintenance Section. This unit is responsible for inspection, maintenance and construction activities for the transmission system. This unit performs proactive inspection and maintenance cycles to preempt outages.

The parties do not dispute that the following job classifications belong in the BGE-wide production and maintenance unit in 5-RC-14909: overhead crew leader, overhead mechanic, transmission crew leader, and transmission line mechanic. The parties are in dispute, however, as to the designer and senior drafter positions in 36-01-01, and the transmission inspector and resource planning specialist positions in 36-01-02. The Employer contends that these job classifications should vote in a production and maintenance unit. The Petitioner contends that the designer and senior drafter should vote in a technical unit limited to ETDD, and the transmission inspector and resource planning specialist should not be eligible to vote in any unit. All four of the disputed positions share the same results incentive award goals as the employees in this section, who are stipulated to be production and maintenance employees.

Designer, 36-01-01

There is one designer, Mr. Ryan, in pay grade 31 in work group 2 in 36-01-01. He reports to Front Street. He spends about 75 to 80 percent of his time in the office. He works with the engineers and engineering analyst in the unit on a daily basis about 10 percent of the time. The lead engineer work leader in work group 2, George Niles, supervises the senior engineer, senior transmission analyst, engineer, and engineering analyst (excluded classifications), designer, and senior drafter.

The transmission designer keeps track of the vast amount of land and the rights-of-way that are involved with the overhead transmission lines. He reviews deeds and rights-of-way requests and supplies information contained therein to other classifications within 36-01. The designer keeps track of the deeds associated with BGE's easements for its transmission lines, and reviews requests from governmental agencies to cross BGE's rights-of-way. The designer also inputs data into a computer program called SAG-10 to determine if there is enough clearance between the transmission lines and the ground to meet government regulations. He often uses a measurement device that calculates the actual height of the conductor at a particular location. The transmission designer may spend 10 to 15 percent of his time in the field verifying that local conditions match the SAG 10 computer program. When in the field, he is required to wear appropriate personal protective equipment.

The designer uses surveying equipment to establish the height of conductors or wires out in the field for rating purposes. All BGE survey work generally is done by outside contractors. The transmission designer works with all contractors that perform surveying work for BGE. He is involved in the process of selecting a contractor for surveying. Part of his job is to ensure that the contract surveyor is performing survey work according to BGE specifications. Thus, the surveyors' work must be verified by the designer before BGE will pay the contractor. The designer uses his own independent judgment as to what should be included in the specifications for the surveying work. BGE generally accepts the designer's judgment. In 1996, BGE paid for a review course that Mr. Ryan took to obtain a surveyor's license from the State of Maryland. The designer also has input into BGE's transmission construction specifications. He helps write changes to the specifications, if warranted, based on his experience.

About 75 to 80 percent of the transmission designer's work is performed in the office. The transmission designer has contact with engineers and analysts. When in the office, the designer uses computers, e-mail, the CADD (computer assisted drafting and design) system, files of the planning profiles for the transmission system, maps of the overhead transmission system known as "Book Eight", and the transmission overhead construction standards book. The designer is trained to use CADD computer software to manipulate drawings and put them into a digital format. He attended a job-related seminar in 1999 that was also attended by the senior drafter concerning a software upgrade to AutoCAD 2000.

The designer has some contact with the foresters (excluded classification) performing the transmission function in 36-04-03. He works with them about two or three weeks a year, depending upon the nature of the right-of-way involving certain transmission lines. Like the engineers and analysts, the foresters are monthly employees, whom the parties agree should be excluded from any unit found appropriate.

The transmission designer classification was formerly known as senior engineering technician in unit 95-00-06 in 1996. Record testimony established that the senior engineering technician in 1996 was more involved than the transmission designer with the project engineers and engineers and with new construction activities. Occasionally, the designer functions as a project leader and is involved in the development of design details, engineering drawings and the preparation of drafting schedules. Today, the transmission designer is more involved with inspection functions, such as right-of-way inspections.

The transmission designer is on call for storm duty on a six-week rotation schedule. When called for storm duty, the transmission designer functions as a patroller and looks for falling lines and other potential problems that he radios back to the dispatcher. The record reflects that the engineer and engineering analyst in 36-01-01 also perform storm duty. The transmission designer, senior drafter, resource planning specialist, transmission inspector, transmission line mechanic, transmission crew leader, overhead crew leader, and overhead mechanic basically have the same Results Incentive Award (RIA) award.

The designer is not required to have any post-high school education, particular coursework, or certification. The record, however, established that the basic qualifications set forth in the applicable job description (Er. Exh. 4, # 154A) for the designer are accurate, with the exception that the designer generally does not act as a project leader. Thus, the designer must have two years post-high school education and over eight years of experience with appropriate design, engineering and drafting (mechanical, civil/structural, electrical, instrumentation & controls) or the equivalent combination of formal education, training, and experience. The designer must also have two years of experience using a CADD system. The record reflects that Mr. Ryan does not have two years post-high school education. The record reflects that Mr. Ryan completed a surveying course before he began employment with BGE and has attended conferences or seminars concerning right-of-way survey while employed by BGE.

I conclude that the designer in 36-01-01 is a technical employee who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. In order to qualify for this job, an individual must have two years post-high school education and over eight years experience in an appropriate design, engineering and drafting area, or the equivalent combination of formal education and experience. Two years experience using a CADD system is also required. The designer has received CADD training and uses the CADD system. The record established that in performing his job, the designer prepares detailed engineering drawings, applies knowledge of

mathematics, engineering practices and physical sciences, and uses computers, calculators and drafting instruments and aids. In these circumstances, I conclude that the designer is a technical employee and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Fisher Controls, 192 NLRB 514; PECO Energy Co., 322 NLRB at 1084 (draftsmen who create schematics to modify systems, using computer assisted design, drafting tables and desks, are technicals); Western Gear Corp., 160 NLRB at 274, 279 (draftsmen creating detailed drawings, utilizing mathematics and variety of technical symbols and exercising independent judgment are technicals); Allis-Chalmers Manufacturing Co., 129 NLRB at 89; Waldorf Instrument Co., 122 NLRB at 806. In addition, I note that the design work performed by the designer is very similar to the work performed by the project design coordinators in 39-01-07, whom the parties have stipulated are technical employees under the Act.

Even if it should be determined that that designer in 36-01-01 is not a technical employee, I conclude that he performs work of a technical nature and shares a community of interest with other technical employees such as designers, drafters, service planners and cartographic technicians, that I have included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006. I note that the designer performs technical functions and utilizes technical skills that are distinct from the functions and skills of production and maintenance employees. He works under completely different working conditions from production and maintenance employees, and uses CADD, much like the other design personnel found to be technical employees herein. He has specialized training similar to that possessed by other technical employees. He has separate immediate supervision in a unit composed of engineers and analysts. He works in an office environment like other technical employees and has no significant contact with employees in the production and maintenance unit. In these circumstances, I shall include the designer in 36-01-01 in the BGE-wide technical unit with other technical classifications that perform similar work.

Senior Drafter, 36-01-01

There is one senior drafter, Kenneth Garvey, in pay grade 29 in work group 2 in 36-01-01. Like the designer, the senior drafter works with the engineer and engineering analyst in the unit about 10 percent of the time while in the office. The lead engineer work leader in work group 2 supervises the senior engineer, senior transmission analyst, engineer, and engineering analyst (excluded classifications), and designer.

The senior drafter is responsible for reviewing development plans to determine if there will be any impact on BGE's overhead or underground transmission lines. He then deals with the developer or governmental agency to resolve any problems. The senior drafter maintains maps that depict the overhead transmission system and show rights-of-way, transmission structures, access areas, etc. These maps are known as "Book Eight." The senior drafter updates changes in "Book Eight" by interfacing with the transmission crews to determine what changes they have made to the transmission system during their construction activities. The senior drafter updates plan and profile drawings concerning transmission lines so that the drawings accurately reflect new developments or rights-of-way for roads, sewer lines, tower wires, etc. The senior drafter updates the drawings by hand or by using a CADD machine. The record reflects that in the past several years, the engineers have done much more work drawing designs. Some of the drawings prepared by the senior drafter are for the engineers.

The senior drafter also maintains several computer databases including the inspection database and the painting database for steel poles and towers. The senior drafter is involved in an

inspection function through review of contracts that the City of Baltimore has entered into for construction on city streets. The senior drafter reviews these contracts to determine whether outside contractors will be digging in areas that will affect BGE's underground transmission system. The senior drafter occasionally visits the field to examine the underground transmission system and to render advice about digging operations to outside consultants, contractors, and developers. On a weekly basis, the senior drafter is in the field about 15 to 20 percent of the time. When in the field, he is usually working alone or reviewing the location of underground lines with outside contractors or developers. Similarly, the field inspection of guy wires is done with contractors, rather than BGE crews. When in the field, the senior drafter wears appropriate safety clothing or personal protective equipment.

The senior drafter also spends about five percent of his time annually inspecting and diagramming anchor guys that support steel transmission lines. About one weekend a month, the senior drafter works overtime with the transmission crew to help out with antenna and platform site work. The senior drafter work as a general helper on the base of the structure with equipment such as saws, hammers, screwdrivers, digging equipment, shovels, pick axes, nails, and a nail gun.

The senior drafter commonly utilizes the computer, various databases, e-mail and CADD files. No special training, licenses, or certifications are required for the senior drafter job, although Mr. Garvey had CADD training before he was hired by BGE. The senior drafter must be familiar with the overhead and underground transmission system, the location of lines, and how to use prints. In the spring of 1999, Mr. Garvey took a three-day CADD training course that BGE sponsored and paid for. This software training course was taught by an outside contractor and it focused on a new version of CADD software that BGE was using on its system. Mr. Garvey also received a certificate for taking a course called "Introduction to AutoCAD" in 1992.

The record testimony established that the applicable job description (Er. Exh. 4, # 731A) for the senior drafter is accurate, except that the senior drafter does not direct the work of drafters, verify drawings prepared by drafters or prepare information to update engineering drawings from print indexes. Basic qualification No. 1 requires over six years of experience in documentation drafting or the equivalent combination of formal education, training and experience. Basic qualification No. 2 requires basic knowledge of mathematics, transmission engineering and construction practices, and the physical sciences to determine design requirements.

The senior drafter was the junior engineering technician in unit 95-00-06 in 1996. The senior drafter has more responsibility for interfacing with the painting database and the "Book Eight" plans than the junior engineering technician had in 1996. The junior engineering technician spent more time in the office than the senior drafter currently does.

Like the transmission designer, the senior drafter is on call for storm duty on a six-week rotation schedule. When called for storm duty, the senior drafter functions as a patroller and may also pull prints for transmission crews.

I conclude that the senior drafter in 36-01-01 is a technical employee, who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Basic qualifications for the job include six years of documentation drafting experience or equivalent education. In addition, the senior drafter needs basic knowledge of mathematics, transmission engineering and construction practices, and the physical sciences, to determine design requirements. Furthermore, the senior drafter needs the ability to use surveying instruments, and the ability to use computers,

calculators, CADD and standard drafting aids. In creating drawings and maps, the senior drafter prepares technical plan and profile drawings that give a detailed picture of the transmission tower and wires. The senior drafter creates maps that indicate the location of “angle guys” that support the steel transmission lines and depict how conductors are oriented relative to a sag. The senior drafter had CADD training before being hired by BGE, and subsequently received further training on the use of CADD. In these circumstances, I conclude that the senior drafter in 36-01-01, like the designer in this unit, is a technical employee and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Fisher Controls, 192 NLRB 514; PECO Energy Co., 322 NLRB at 1084 (draftsmen who create schematics to modify systems, using computer assisted design, drafting tables and desks, are technicals); Western Gear Corp., 160 NLRB at 274, 279 (draftsmen creating detailed drawings, utilizing mathematics and variety of technical symbols and exercising independent judgment are technicals); Allis-Chalmers Manufacturing Co., 129 NLRB at 89; Waldorf Instrument Co., 122 NLRB at 806. In addition, I note that the design work performed by the senior drafter, like that performed by the designer, is very similar to the work performed by the project design coordinators in 39-01-07, whom the parties have stipulated are technical employees under the Act.

Even if it should be determined that the senior drafter in 36-01-01 is not a technical employee, I conclude that he performs work of a technical nature and shares a community of interest with other technical employees such as designers, drafters, service planners and cartographic technicians, that I have included in the BGE-wide technical unit found appropriate herein. Brown & Root-Northrop, supra, 174 NLRB at 1006. I note that the senior drafter performs technical functions and utilizes technical skills that are distinct from the functions and skills of production and maintenance employees. He generally works under different working conditions than production and maintenance employees, and uses CADD, much like the other design personnel found to be technical employees herein. He has specialized training similar to that possessed by other technical employees. He has separate immediate supervision in a unit composed of engineers, analysts, and the designer. He usually works in an office environment like other technical employees, although he has only occasional contact with employees in the BGE-wide production and maintenance unit on antenna sites where he performs general helper work. He spends much more time dealing with developers or governmental agencies to resolve technical problems concerning the impact of development plans on transmission lines. In these circumstances, I shall include the senior drafter in 36-01-01 with other technical classifications that perform similar work in the BGE-wide technical unit found appropriate in 5-RC-14908.

Transmission Construction Unit, 36-01-02 – Supervisor, Mark Unfried

After the close of the hearing, the parties stipulated that the overhead crew leader and overhead mechanic positions in this Unit were transferred to the Distribution Construction Unit (36-23-04). The parties further stipulated that these classifications are now performing the same duties as the other overhead crew leaders and overhead mechanics in Unit 36-23-04.

The parties agree that these classifications should be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Resource Planning Specialist, 36-01-02

There is one resource planning specialist in pay grade 31 in 36-01-02. The resource planning specialist shares supervision from the unit supervisor with the overhead crew leader and transmission crew leader in pay grade 31, overhead mechanic and transmission line mechanic in

pay grade 30, and with the transmission inspector in pay grade 31. The resource planning specialist, like the other classifications in 36-01-02, reports to the Front Street location and has a cubicle in a typical office environment. He generally works from 6:30 or 7 a.m. until 3 or 3:30 p.m. His hours coincide with the hours worked by the transmission crews.

The primary function of the resource planning specialist is to work with bulk power system operations and arrange for outages so that the construction crews can work on the overhead transmission lines. The transmission crews do not use live line techniques to work on overhead lines. The resource planning specialist spends about 75 percent of his time in his office at Front Street. The resource planning specialist works mainly with bulk power system operations and arranges for outages for overhead transmission lines. The resource planning specialist works with the outage coordination unit to resolve issues concerning outage scheduling. He interfaces with system operators (excluded classification) in 37-11-02 in the EOB building.² The resource planning specialist requests outages on a computer system called Maximo. The planning window for outages is generally three or four weeks.

The resource planning specialist is more involved with long-term planning as opposed to daily events. At the beginning of the year, maintenance work needed on the transmission lines for the entire year is planned for. The resource planning specialist then prepares and maintains a four-week planning schedule to perform the work. In simplistic terms, the resource planning specialist makes arrangements throughout the year to make sure that various lines are taken out of service so that maintenance work can be done. Planning and coordinating a single outage can take about four to eight hours.

The resource planning specialist regularly interacts with transmission crew leaders and transmission line mechanics, perhaps several times a day, to coordinate outage cycles. He communicates by radio or telephone with transmission crew leaders or mechanics to resolve outage coordination issues. The resource planning specialist also uses his computer to access the materials management system to arrange for the procurement of materials, supplies, and equipment for the transmission crews. The resource planning specialist arranges for equipment to be delivered to transmission crews. The resource planning specialist may interact with the transmission crews either directly in the morning at Front Street or by radio or cell phone during the day. The transmission crews, however, sometimes report directly to the job site.

The resource planning specialist spends about 25 percent of his time in the field and sometimes attends tailgate meetings with overhead leaders and overhead mechanics. The resource planning specialist regularly works in the field with the transmission crew leaders and transmission mechanics at least two or three days a week, but not full-time. When in the field, the resource planning specialist coordinates and discusses set ups for outages and the duration of outages with the transmission crew leader and transmission mechanics. He may walk the site with them. He also works independently to visually inspect job sites. He works with state or county highway departments to arrange various clearances or permits.

The record established that the job description for the resource planning specialist (Er. Exh. 4, #683B) is generally accurate as it applies to transmission lines as opposed to substations. The resource planning specialist needs a good background in overhead construction, including familiarity with tools, equipment and processes. The resource planning specialist is subject to an

² A member of a field crew would typically call the system operator in Department 37 to make sure a line was dead before climbing a pole and touching the line.

on-call roster with overhead leaders and mechanics for storm emergencies. He patrols the transmission circuits and alerts overhead crews about faults or down lines

I conclude that the resource planning specialist shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. He shares unit supervision with the overhead leader, overhead mechanic, transmission crew leader and transmission line mechanics, who are undisputed production and maintenance employees included in the unit. He is paid comparably to these employees. He regularly works with them to coordinate and arrange the set up for outages so that they may perform their work on the overhead transmission lines. Although he spends the majority of his time in an office planning outages, this work is functionally integrated with unit production and maintenance work. In addition, he is regularly in the field to discuss outage issues and setups and walk down sites with production and maintenance employees and maintains contact with them at other times by radio or cell phone. He attends tailgate meetings and safety meetings with overhead leaders and overhead mechanics, shares the same Results Incentive Award goals, and is on the same emergency call roster for coordinated storm restoration efforts. In these circumstances, I shall include the resource planning specialist in 36-01-02 in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Transmission Inspector, 36-01-02

There is one transmission inspector, Mr. Howat, in pay grade 31 in 36-01-02. The transmission inspector shares supervision from the unit supervisor with the overhead crew leader and transmission crew leader in pay grade 31, overhead mechanic and transmission line mechanic in pay grade 30, and with the resource planning specialist in pay grade 31. The transmission inspector, like the other classifications in 36-01-02, reports to the Front Street location. Occasionally, this classification reports directly to the field. The transmission inspector spends about 80 to 85 percent of his time in the field. The transmission inspector works from 6:30 or 7 a.m. to 3 or 3:30 p.m., generally the same hours as the included classifications in the transmission crews. When in the office, the transmission inspector inputs data from the inspection process into a computer database. The transmission crew leader, however, also inputs data into the computer.

The transmission inspector essentially works as a transmission overhead crew leader for contract crews. He inspects contractor work as it is being performed and is proactive in the inspection process. He has the authority to tell a contractor to change the method of performing work so that it conforms to BGE specifications. He may order the contractor to stop work that does not conform to BGE specifications. His judgment about whether a contractor has complied with BGE specifications is generally accepted. The transmission inspector generally works the same hours as the contractor groups that he is overseeing.

The transmission inspector job requirements are essentially the same as those for the transmission crew leader (included classification). The record testimony established that the jobs are generally interchangeable. The record reflects that all of the functions that the transmission crew leader performs are performed at various times by the transmission inspector, although the total time spent performing different functions may vary. The transmission crew leaders also inspect contractor work for compliance with BGE specifications and has the authority to stop contractor work. In addition, since 1993 BGE has been using transmission crew leaders and transmission mechanics (included classifications) as transmission inspectors.

The record established that the transmission inspector was previously a senior transmission line mechanic and that one of the transmission crew leaders was previously a transmission inspector and a senior transmission line mechanic. Record testimony further reflects that all the transmission crew leaders and transmission mechanics perform visual inspection functions on the transmission system about six weeks a year.

The transmission inspector ensures that the contract transmission crews, who are often involved with large rigging or specialized drilling equipment or who are performing underground digging and trenching, perform this work on the transmission system in accordance with company specifications. Generally, outside contractors dig a trench and lay the cable, although BGE crews pull or lay cable about one-third of the time. The transmission inspector has direct interface with the overhead crew leader, transmission crew leader, overhead mechanic, and transmission line mechanic on various jobs, particularly larger jobs, where BGE crews are working at the same site as contractor crews. On large jobs, the transmission inspector's direct contact with transmission crew leaders and transmission line mechanics may be as much as 100% of the time during the day. The transmission inspector spends about 40 to 50 percent of his time working solely with outside contractors and the balance of his time would be spent working with BGE transmission crews either with or without outside contractors crews. The transmission inspector inspects the work of contractor crews, but generally does not inspect the work of BGE crews.

The transmission inspector spends two or three months a year performing visual inspection of overhead transmission lines, transmission poles, and transmission steel towers and antennas to determine if anything needs repair. The transmission inspector uses binoculars to perform some visual inspections. The overhead crew leader, transmission crew leader, overhead mechanic and transmission line mechanic perform similar inspection duties and usually perform the antenna work.

The transmission crew leader sometimes works directly with overhead crew leaders, transmission crew leaders, overhead mechanics and transmission line mechanics, particularly during visual inspections of the overhead transmission system. The crew leaders and mechanics also perform these visual inspections independently. The transmission inspector is responsible for the alignment of the antenna system relative to the layout of the transmission structure. The transmission inspector directs the overhead mechanic or transmission line mechanic, who is at the top of the transmission structure, concerning the proper alignment of the antennas according to vendor specifications. This direction is usually by hand signal or radio or cell phone contact. The transmission inspector is given a set of bearings and sets up his survey instrument to reference magnetic north degrees.

The transmission inspector uses basic hand tools such as pliers, hammers, and screwdrivers, and uses specialized tool and die hydraulic equipment that is needed to compress larger pieces of equipment such as large wires or conductors. The transmission inspector utilizes a hot stick to determine whether a utility line is dead. He also uses it as ground meggar to determine the grounding adequacy at the base of transmission structures. He uses a transit device to check the sag of a conductor and uses cable reels, bolt wheels, and conductor tensioning. He uses basic surveying equipment such as a tripod. The included classifications in 36-01-02 also use such tools and equipment.

The transmission inspector is trained to climb utility poles to make repairs to the conductor and hardware interface that are made by the transmission line mechanics and transmission crew leaders. The transmission inspector spends about five percent of his time

performing such overhead line maintenance. The transmission inspector spends about 10 to 20 percent of the time performing foundation repair and maintenance.

The transmission inspector wears personal protective equipment and rubber gloves and sleeves when working near high-voltage or live circuits. The transmission crews and resource planning specialist use the same personal protective equipment, except the resource planning specialist does not use rubber gloves and sleeves.

The transmission inspector attends morning tailgate sessions at the job site with BGE transmission crews and contractor crews to go over the scope of the work. He also attends monthly safety and information meetings for 36-01-01 and 02. The transmission inspector has received the same distribution system training as the transmission crews, including training related to climbing activities.

Record testimony concerning the applicable job description established that the transmission inspector approves contractor material and equipment delivery receipts, investigates customer complaints caused by contractor construction, and contacts engineers, contractors, and equipment manufacturers. The transmission inspector was classified as a transmission inspector in unit 95-00-06 in 1996. The job duties of this classification are the same, except that the transmission inspector now performs the antenna and platform layout work, discussed above.

I conclude that the transmission inspector in 36-01-02 shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. He shares unit supervision with the overhead leader, overhead mechanic, transmission crew leader and transmission line mechanics, who are undisputed production and maintenance employees included in the unit. He is paid comparably to these employees. The transmission inspector performs the same functions and duties as the transmission crew leader, but works with contracting crews in addition to crews comprised of BGE employees. In fact, transmission crew leaders, as well as transmission line mechanics, act as, and perform the same duties as, the transmission inspector, since the skills of the former two positions and those of the transmission inspector are interchangeable. Moreover, at the time of the hearing, transmission crew leaders and transmission mechanics were acting as transmission inspectors. The transmission inspector also performs some of the same functions performed by transmission crew leaders, transmission line mechanics, overhead crew leaders, and overhead mechanics, such as ensuring that foundations for construction are prepared properly in accordance with construction specifications, and performing visual inspections of wooden poles and towers. In addition, the transmission inspector works at construction sites about 80-85% of his time, often alongside BGE employee crews, particularly on large jobs. On average, the transmission inspector works with BGE overhead crew leaders, transmission crew leaders, overhead mechanics, and transmission line mechanics about 50% of his work time. The transmission inspector also uses the same types of tools, equipment, and protective clothing as overhead crew leaders, transmission crew leaders, overhead mechanics, and transmission line mechanics. The transmission inspector's work hours are generally the same hours as the BGE transmission crews. The transmission inspector, like all of the undisputed production and maintenance classifications in 36-01-02, attends monthly safety meetings, information meetings, and tailgate sessions. Based on the foregoing evidence of similarity in skills and functions, common supervision, comparable pay and benefits, similar hours and working conditions, and temporary interchange, I shall include the transmission inspector in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

**Forestry Damage/Maint. Mgmt. Section, 36-04-01 – Director, Peter Parr
Damage Prevention Unit, 36-04-04 – Supervisor, Ronald Estremera**

The Damage Prevention Unit is responsible for the protection of the gas, electric and fiber optic facilities of BGE. This unit also reviews damage to facilities, determines who is responsible, and recommends who should make payment for the damage. The parties are in dispute as to the following job classifications in 36-04-04: construction inspector, senior administrative assistant, and customer service investigator. The Petitioner contends that these classifications should be excluded from any appropriate unit. The Employer contends that these classifications should vote in the production and maintenance unit found appropriate.

Construction Inspector, 36-04-04

There are six construction inspectors in pay grade 29. Each construction inspector is assigned to a different zone. They work base hours from 7 a.m. to 3:30 p.m., without flex time. They share unit supervision with the customer service investigator and senior administrative assistant (disputed classifications). The construction inspectors are basically the field representatives for the unit. They report to the third floor of the Front Street Complex, Room 301, but spend only about one-half hour in their office cubicle area. They report to the office each morning in order to process their time sheets and to process vendor performance reports and ratings. They share common facilities at Front Street with some overhead crew leaders and mechanics, who also report there.

The construction inspectors spend about 90 percent of their time working independently in the field and 70 percent of their time working with outside contractors. The construction inspectors review work that is performed out in the field by contract locators, who are seeking to locate gas, electric, or fiber optic lines. An outside contractor, Utilquest, performs about 99 percent of the locating and marking of underground lines for non-BGE construction crews. BGE crews perform their own locating and marking. Underground lines are marked to prevent damage during excavation work. On a daily basis, the construction inspectors receive copies of about 10 tickets that show the locating and marking jobs that Utilquest should perform. The construction inspectors check contractor work for accuracy and quality, particularly on high-risk jobs near schools and hospitals. The construction inspectors complete vendor performance reports that evaluate the job performance of Utilquest employees. If a Utilquest or BGE crew cannot locate a line, the construction inspectors assist in locating and marking lines.

The construction inspectors review field conditions and perform minor maintenance in order to prevent damage. If larger scale maintenance is needed, they refer the matter, through the senior administrative assistant or supervisor, to the appropriate section. They respond to damage incidents that concern underground damage, but not overhead damage. If damages occur for which the construction inspector cannot perform repair or maintenance, the construction inspector will often work on site and tell the crew what to do to complete the repair.

The construction inspectors were damage control coordinators until they were promoted to a higher pay grade in 1998. The record established that the construction inspector position that was created in 1998 is significantly different from the former damage control coordinator and damage control inspector positions that the Regional Director excluded from the production and maintenance unit in 1996. For example, the damage control coordinator's sole function was to investigate damages and determine liability. The construction inspectors do not determine liability. The damage control inspectors performed more locating functions than the construction

inspectors perform. Today, most locating for “farm facilities” such as telephone or cable TV is done by outside contractors. As noted, BGE field crews perform their own locating for gas and electric facilities. In addition, the damage control inspectors and damage control coordinators did not work on energized equipment, such as pad-mounted switch gear or transformers. The damage control coordinators were not authorized to enter energized equipment such as a transformer or switch gear and were not authorized to hook up to live cables in a substation. By contrast, construction inspectors are authorized to enter substations and are issued live equipment permits to connect to energized cables in a substation. They are authorized to open a pad-mounted transformer and put a signal on the cables in the live transformer to verify where a line is located. They also attach transmitters to cables and use receivers in order to verify line or transformer locations. They locate lines to verify map records and to verify that equipment is where it is supposed to be. They perform a very minimal amount of marking on the ground, but they perform quality-control checks on markings that contractors put down when they cross BGE facilities, particularly in high-risk areas near high-voltage feeder lines.

Typically, when a construction inspector enters a substation, he calls the system operator and requests a work permit for a specific piece of cable. When he obtains permission, he logs in. He then uses instrumentation for locating cables such as a Metrotech 810. He clamps the cable and puts an impulse around the cable that he tracks by transmitter and receiver. Then he leaves the substation with the receiver and performs his locating work. He also performs locating work for substation crew leaders, senior substation electrical mechanics, and substation electrical mechanics (included classifications in 38-13) within the substation.

The construction inspectors perform minor electrical maintenance on pad-mounted equipment such as transformers, switch gears, modules and capacitors. For example, they would replace a missing bolt or lock. On the gas side of the business, the construction inspector performs minor maintenance on gas frames. They open gas valves and they test wires. If the construction inspectors cannot fix a problem, they refer the matter to their supervisor or the senior administrative assistant in 36-04-04, who refer the matter to underground mechanics or crew leaders.

The construction inspectors wear appropriate protective equipment to open or enter facilities. They drive company provided pickup trucks that they take home at the end of the day. They use screwdrivers, pliers, socket wrenches, shovels, allen wrenches, hammers, 18-volt drill bits, and explosive meters. They carry locating equipment such as an M-scopes. Overhead leaders, cable splicers, and underground mechanics use the same type of locating equipment. Like the overhead crews that work in Baltimore and the underground cable splicing crews in the Distribution Construction (Underground) Section, the construction inspectors carry explosive meters, low voltage testers, and electric markers.

Like overhead and underground crews, the construction inspectors wear personal protective equipment, including flame retardant clothing, rubber gloves and sleeves, hard hats and safety glasses. They carry construction drawings, grid books, gas index books, and fiber optic books. They also carry electric and fiber optic microfilm on aperture cards. They use a very large steel manhole bar to hook and lift manhole covers and then use an extendable stick to clamp cables and send impulses from outside the manhole. They have received training on how to use an explosive meter to test for explosive gas in the manhole. They attend annual CPR First Aid training with service operators, overhead crew leaders and overhead mechanics at Front Street. The construction inspectors share the loading dock, lunch room, and other common facilities with overhead leaders, overhead mechanics and meter mechanics at the Front Street Complex.

During heavy construction periods such as the summer, a construction inspector may interact with a crew on site once or twice a day. During the winter months, such as February, when damage is minimal, a construction inspector would interact with crews on site only about twice a week. When a damage case involves an electrical digging incident, the construction inspector would interact with an overhead crew leader, overhead mechanic or service operator performing switching functions. When a construction inspector is called upon to assist a company crew to locate gas, electric, or fiber-optic facilities, he would interact with overhead crew leaders, overhead mechanics, cable splicers, senior cable splicers, underground crew leaders and underground mechanics. Otherwise, however, the construction inspectors spend about 70 percent of the time interacting with contractor personnel.

The construction inspectors are required to have four years experience in gas or electric construction. The record established that everyone of the construction inspectors has a construction background, including either equipment operator experience, lineman experience, gas mechanic experience, or corrosion tester experience. The record established that the applicable job description (Er. Exh. 4, # 144C) contains many inaccuracies. For example, the construction inspector does not need any demonstrated ability to operate a crane, tractor, and front-end loader, but must have a willingness to cope with conditions related to outdoor construction work such as dirt and noise.

I conclude that the construction inspectors in 36-04-04 share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. The construction inspector position requires four years experience in either gas or electric construction and all of the construction inspectors have a construction background. The construction inspectors spend 90 percent of time working in the field to prevent damage to gas and electric production facilities. They perform minor maintenance tasks like other maintenance employees. They work on pad-mounted equipment such as transformers, switch-gear, modules, or capacitors containing cables. During heavy construction periods, the construction inspector works with BGE crews once or twice a day. While working in the substation, the construction inspectors work with production and maintenance employees such as substation crew leaders, senior substation electrical mechanics, and substation electrical mechanics in Department 38-13. The construction inspectors work the same base hours as construction crews, without flex time. They use the same tools, instruments, and locating equipment as overhead crew leaders, cable splicers, underground mechanics, and service operators, and wear the same personal protective equipment, when necessary, in the field. Similarly, like overhead crew leaders and underground splicing crews, the construction inspectors carry feeder books, aperture cards, construction drawings and grid books to verify locations. Like construction crew classifications in BGE's ETDD and GDD, they have received training concerning how to use the explosive meter. They have frequent contact with production and maintenance employees who report to Front Street. Concededly, the construction inspectors do not share common immediate supervision with production and maintenance employees. However, many production and maintenance employees included in the BGE-wide production and maintenance unit, do not share immediate common supervision with other production and maintenance employees who are included in BGE-wide production and maintenance unit. Moreover, although the construction inspectors do not interchange with production and maintenance employees and primarily inspect work of outside contractors, I find that they share a sufficient community of interest with production and maintenance employees. As outlined above, they have similar skills, functions, training, background, and working conditions as production and maintenance employees. They regularly interact with production and maintenance

employees to prevent damage to production facilities. They perform some production and maintenance work. Thus, on balance, I conclude that construction inspectors share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Customer Service Investigator, 36-04-04

The customer service investigator is in pay grade 30 and shares unit supervision with the construction inspector and senior administrative assistant. The customer service investigator works base hours from 7 a.m. to 3:30 p.m., without flex time.

The customer service investigator is responsible for all damage investigations. The customer service investigator receives all charge orders issued in BGE. A charge order is a document that says that damage has occurred and that some responsible party must be billed. The customer service investigator reviews the package of paperwork related to damage investigations that is prepared by the senior administrative assistant. The customer service investigator also receives police reports concerning damage to utility poles, underground cables and other facilities. The customer service investigator sends the package of paperwork related to damage investigations, including the police reports, to billing. About once a year, he trains service operators concerning the proper procedure for filling out charge orders and he has trained overhead crew leaders and mechanics concerning the proper procedure for completing damage reports.

The customer service investigator spends 60 percent of his time in the office and 40 percent of his time in the field visiting sites where damage has occurred. He occasionally encounters field crews that are repairing the damage. Usually, the customer service investigator only visits the field for high profile damage cases that concern gas mains and electric cables. The customer service investigator wears work boots or sturdy shoes and casual construction-type clothing.

The customer service investigator does not perform the actual damage investigation in the field. Contractors perform the actual damage investigations in the field. The customer service investigator oversees them. He verifies that contract damage investigators respond to damage cases and that they provide BGE with complete reports, particularly in cases of high profile damage cases at school or hospitals. The customer service investigator is responsible for determining who has ultimate responsibility for the damage and has oversight over the contractors. When on site, the customer service investigator can make a liability determination on the spot. He contacts contractors when they are responsible for damage. When the investigation is finished and the determination made, the customer service investigator sends the appropriate information to the billing unit.

The customer service investigator primarily interacts with underground mechanics, cable splicers and contractors. The customer service representative also interacts with customers, if necessary. Occasionally, the customer service representative is involved in settlement negotiations. In high profile cases, the customer service representative interacts with the customer, media and BGE media relations staff. As part of his damage investigation, however, he also interacts with field crew or contractor personnel, who are performing the repairs to the damage. The customer service representative on rare occasions provides testimony in court concerning disputed damage claims.

The record established that the applicable job description (Er. Exh. 4, #738B) contains many inaccuracies. The customer service investigator was called a special investigator in 1996.

I conclude that the customer service investigator in 36-04-04 does not share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. The record established that, unlike the construction inspectors, the job skills, duties and training of the customer service investigator are far removed from the production process and differ significantly from those of production and maintenance employees. The customer service investigator does not perform any production work. Rather, he acts as a representative of BGE when dealing with potential claimants. Other than discussing a damage claim with a repair crew as part of the normal investigative process, there is no evidence of any job-related interaction with production and maintenance employees, nor is there evidence of interchange between the customer service investigator and production and maintenance classifications. The customer service investigator has separate immediate supervision from production and maintenance employees. In short, given the customer service investigator's duties concerning the handling of damage claims and his performance of public relations work with respect to high visibility damage, I conclude that he does not share a community of interest with BGE production and maintenance employees. Nor is there any evidence that he performs technical duties and functions or shares a community of interest with BGE technical employees. In these circumstances, I shall exclude the customer service investigator in 36-04-04 from any of the units found appropriate herein.

Senior Administrative Assistant, 36-04-04

The senior administrative assistant, Wayne Morrow, is in pay grade 26 and shares unit supervision with the customer service investigator and construction inspector. He works base hours from 7 a.m. to 3:30 p.m., and reports to the third-floor at Front Street in a typical office environment. The senior administrative assistant spends 98 percent of the time in the office. I note that the senior administrative assistant in 36-04-03, whom neither party would include in an appropriate unit, sits next to the senior administrative assistant in 36-04-04.

The senior administrative assistant supports the unit by performing clerical functions and procurement functions such as ordering materials and tools. When performing procurement duties, the senior administrative assistant uses a company credit card to order equipment that is not kept in stock. The card limit is \$5000 per month and all purchases are approved through the unit supervisor.

The senior administrative assistant gathers work each day for the construction inspectors and takes messages for them when phone calls come in during the day, such as "dig-alerts" from contract locators at high pressure gas mains. The senior administrative assistant also maintains the damage database and prints out reports for construction inspectors for statistical purposes. The senior administrative assistant receives charge orders from service operators and damage reports from construction crews and contract damage investigators. The senior administrative assistant uses these orders or reports to put together a package for the customer service investigator. If the paperwork concerning the orders or reports are incomplete, the senior administrative assistant follows up with the field personnel and then enters the complete information into the database, although this follow-up is unnecessary about 95% of the time. The senior administrative assistant receives the mail in the office and separates copies of prints and construction drawings for the construction inspectors and the contract locating companies.

In 1996, this classification was called senior support services clerk. See Er. Exh. 9C, p. 5-6 and 5-7. The senior administrative assistant was previously a damage control inspector and is knowledgeable about looking up records.

I conclude that the senior administrative assistant in 36-04-04 is an office clerical employee and should be excluded from any of the units found appropriate herein. He has different skills and functions than production and maintenance or technical employees, works exclusively in an office environment performing clerical and administrative tasks, and does not interchange with unit employees. He performs support functions and office clerical duties for the construction inspector. In these circumstances, I shall exclude the senior administrative assistant in 36-04-04 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

**Customer Reliability Assurance Sect., 36-05-01 – General Supervisor,
Ronald Carstens, Jr.**

The General Supervisor of the Customer Reliability Assurance Section reports directly to the Manager of the Transmission & Distribution Operations & Maintenance Department 36. The Customer Reliability Assurance Section has three units: Customer Reliability Management (North) Unit, 36-05-02, supervised by Desiree Butler; Customer Reliability Management (South) Unit, 36-05-03, supervised by Robert Floyd, Jr.; and the Equipment Diagnostic & Repair Center Unit, 36-05-04, supervised by Harry Anapa. The Customer Reliability Assurance Section creates plans to maintain and improve the reliability of the distribution system. It monitors, investigates, analyzes, maintains, and operates the distribution system to provide adequate voltage to customers. It investigates damage to customer equipment and attempts to determine the cause for the damage. It monitors, tests, and repairs distribution automation equipment and instrumentation.

The parties are in dispute as to all of the job classifications in these units, except the distribution tester, a classification that both parties would include in a production and maintenance unit. The Petitioner seeks to include the distribution designer and distribution technician in the petitioned-for technical unit limited to the ETDD and would exclude the customer service investigator, distribution inspection coordinator, and senior administrative assistant from any unit. The Employer would include all these classifications in the BGE-wide production and maintenance unit, and alternatively, would include the distribution technician and distribution designer in a BGE-wide technical unit if I find them to be technical employees and if I find such a unit to be appropriate.

**Customer Reliability Management (North), 36-05-02 – Supervisor, Desiree Butler
Customer Reliability Management (South), 36-05-03 – Supervisor, Robert Floyd, Jr.**

***Customer Service Investigator, 36-05-02
Customer Service Investigator, 36-05-03***

The customer service investigators in 36-05-02 and 03 are in pay grade 30. They are directly supervised by the unit supervisor for their respective units. They share direct supervision with the engineer, distribution technician, distribution designer, distribution inspection coordinator and senior administrative assistant. The customer service investigators work 7 a.m.

to 3: 30 p.m., with flex time. They wear casual business attire to work and spend about 90 percent of their time in their office at the service center.

The customer service investigators evaluate customer complaints concerning system reliability, voltage problems, or alleged damage to property caused by construction, maintenance or operating personnel. Customer complaints that are lodged with the Customer Care Center in the Retail Services Division are electronically delivered to the customer service investigators. The customer service investigators analyze and investigate customer complaints concerning system reliability or property damage by contacting field construction personnel such as overhead crew leaders, overhead mechanics, and service operators in 36-20 or 36-06 (included classifications) or meter crew leaders, meter mechanics, and meter inspectors (included classifications) in 39-12, who are allegedly responsible for the problem.

After discussing the complaint with field personnel, the customer service investigators determine whether the customer claim should be denied or settled. Basically, their responsibility is to satisfy or deny a claim against BGE. Generally, they are empowered to settle claims subject to review by supervision.

If the complaint concerns technical issues that the customer service investigator does not understand, they may discuss the issue with the distribution technicians, distribution testers or an engineer in their units. Customers frequently want to know why they are out of service. The customer service investigator consults many of the resources used by the distribution technicians and distribution testers to find an answer and then sends the customer a letter.

The customer service representatives may spend about five or 10 percent of their time meeting with customers in the field to discuss a problem. In about one-half of those instances, a distribution technician may be present. The record reflects that the work that customer service investigators have performed in field has decreased considerably since 1996. At that time, they were called special investigators.

When remedial actions are taken to rectify a customer complaint, the customer service representatives spends about 10 percent of their time following up with an overhead crew leader to make sure the problem has been corrected. The customer service representatives have infrequent interaction with the Equipment Diagnostic & Repair Center in 36-05-04. The job histories of the customer service representatives are concentrated in the customer service area.

I find that the customer service investigators do not share a community of interest with employees in any of units found appropriate herein. They have different skills, functions, and backgrounds than production and maintenance employees or technical employees and they do not perform production and maintenance or technical work. They spend about 90 percent of their time in an office environment, wear casual or formal business attire and work flexible hours. They share common supervision with both included and excluded classifications. The limited interaction that they have with unit employees is of an investigatory nature that is conducted from an office setting to enable the customer service investigators to gather information to deal with third party complaints on behalf of BGE. There is no evidence of temporary or permanent interchange with unit employees. In these circumstances, I shall exclude the customer service investigators in the Customer Reliability Management Units 36-05-02 and 03, from any of the units found to be appropriate herein. Power, Inc., 311 NLRB 599, 608 (1993).

Distribution Inspection Coordinator, 36-05-03

The record established that the distribution inspection coordinator classification exists in both 36-05-02 and 03. The distribution inspection coordinators are in pay grade 26. They are directly supervised by the unit supervisor for their respective units. They share direct supervision with the engineer, customer service investigator, distribution technician, distribution designer, and senior administrative assistant.

The distribution inspection coordinators work from 7 a.m. to 3: 30 p.m., with flex time. The distribution inspection coordinators provide visual inspection of the condition of overhead lines (poles, transformers, wires, cables, cut outs, disconnect switches, hot heads, risers, lightning arresters) to find sources of declining reliability. If they detect a problem, they issue enter orders into the computer system so that overhead crews can repair or replace the equipment prior to its failure. They work alone about 85 to 90 percent of the time and spend about 75 to 80 percent of their time in the field. They perform thermographic or infrared camera scanning of overhead lines to detect hot spots that indicate a poor connection and they issue orders to replace equipment prior to failure. The distribution inspection coordinators must have the ability to operate thermographic equipment. The thermographic camera is portable and looks a TV camera. The record established that the electric testers (included classification) in 36-05-04 use thermographic cameras and equipment to check for elevated temperatures in different parts of the transformer as part of the pad-mounted equipment inspection program that they administer. Also, construction crews may occasionally use a thermographic camera for inspection of substation equipment and hot heads in vaults, and electric testers similarly use infrared camera equipment.

A distribution inspection coordinator in 36-05-03, William Hector, has been out on disability since 1999. An overhead mechanic (included classification), Rick Testerman, from 39-11, has been on temporary assignment to 36-05-03 as a distribution inspection coordinator, although he is still on call as an overhead mechanic to respond to emergencies during weekends.

The distribution inspection coordinators have a background in the overhead construction and maintenance area that has provided them with knowledge of construction standards relevant to inspection of the overhead system. As noted above, the record established that there is also an inspection function performed by the construction inspectors in the Damage Prevention Unit in 36-04-04, a classification that I have included in the BGE-wide production and maintenance unit. As noted above, the construction inspectors in 36-04-04 participate in an ongoing visual inspection and maintenance program concerning the distribution and overhead system. If there is a work overflow in 36-05-02 or 03, then overhead mechanics, overhead crew leaders and service operators (included classifications that climb poles and repair lines) in 36-20 and the construction inspector in 36-04-04 perform inspection work to level out the workload. The same assistance is given to 36-04-04 when that unit experiences work overflow. The record reflects that the distribution inspection coordinators consult with foresters (excluded classification) in 34-04-03 about 5 to 10 percent of the time.

I conclude that the distribution inspection coordinators in 36-05-02 and 36-05-03, like the construction inspectors in 36-04-04, share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. The distribution inspection coordinators are paid comparably to other production and maintenance employees and receive the same benefits. Like the construction inspectors, they spend at least three quarters of their time in the field. They have backgrounds in overhead construction and maintenance work. They inspect overhead lines to

find sources of declining reliability. Their inspection work is functionally integrated with production and maintenance work and often triggers maintenance orders to repair or replace distribution equipment that is not functioning properly. They use thermographic or infrared camera equipment that other production and maintenance employees use. They work closely with overhead crew leaders and overhead mechanics when performing inspection jobs. There is temporary interchange between the distribution inspection coordinators and production and maintenance employees. For example, an overhead mechanic from Department 39 currently is serving in a temporary assignment as a distribution inspection coordinator and performs all of the duties of this position. There is no evidence that any additional training or skills were required for this interchange. The record also established that overhead mechanics, overhead crew leaders, service operators and construction inspectors perform the distribution inspection coordinator function when there is work overflow in 36-05-02 and-03. Similarly, the distribution inspection coordinator performs inspection functions in 36-04-04 when there is work overflow in that unit. Based on the foregoing, I find that the distribution inspection coordinators share a community of interest with production and maintenance employees and I shall include the distribution inspection coordinators in 36-05-02 and 36-05-03 in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. I rely on the temporary interchange between the distribution inspection coordinators and production and maintenance employees, the fact that they share similar skills and functions and perform functionally integrated work, and the fact that they work comparable hours under similar working conditions for comparable wages and common benefits.

Distribution Technician, 36-05-02
Distribution Technician, 36-05-03

There are three distribution technicians in 36-05-02 and four distribution technicians in 36-05-03 in pay grade 29. They are directly supervised by the unit supervisor for their respective units. They share direct supervision with the engineer, customer service investigator, distribution designer, distribution technician, distribution inspection coordinator, and senior administrative assistant.

The distribution technicians spend 75 percent of their time in the office, as compared to distribution testers (included production and maintenance classification), who spend about 75 to 80 percent of their time in the field.³ The distribution testers generally work from 7 a.m. to 3:30 p.m., without flex time, whereas the distribution technicians generally work the same hours with flex time.

The distribution technicians wear casual business attire to work, although Supervisor Floyd testified that they could wear a coat and tie. They often work independently to perform analysis or calculations that are used to report summaries of outages for supervision and engineers. They spend about 35 percent of their time analyzing information (bogeys) through the Distribution Management Information System (DMIS). A bogey is a report that is generated from the outage record system when a customer experiences two sustained interruptions within a 75-day period. The bogey system provides information regarding areas on the electric system

³ The distribution testers in 36-05-02 and 03 perform diagnostic testing work on the distribution system and investigate system voltage problems. They perform diagnostic work on the distribution capacitors on a semi-annual basis and perform maintenance work on the distribution capacitors, if necessary. They investigate radio frequency interference with the distribution system and resolve problems by performing maintenance work, if necessary.

that have potential reliability problems. Bogeys are yardsticks that are used to monitor the frequency of interruptions on the system. When two interruptions occur within 75 days, a distribution inspection coordinator performs a visual field inspection. If during the visual inspection, the distribution inspection coordinator finds conditions of a hazardous or emergency nature such as a tree hanging on overhead wires, he will radio or telephone the Distribution Construction Section so that an overhead crew can address the problem. The record reflects, however, that only about five percent of the distribution inspection coordinators' inspections require this kind of emergency remediation.

The function of the distribution technicians is to review bogeys to determine if inspections are required on the distribution system. Based on feedback from the distribution inspection coordinators, the distribution technicians evaluate whether to create a plan for remedial action or maintenance work to be performed by construction crews, i.e., overhead crew leaders, overhead mechanics, or underground crew leaders. The distribution technicians spend about 20 to 30 percent of their time creating plans to improve system reliability to remediate problems in the field. They interface with the distribution testers (included production and maintenance classification) in their unit when there are reports that system voltages are not meeting regulations or customer expectations. The distribution technicians resolve distribution voltage problems using input from the distribution testers. The distribution technicians spend about 10 to 15 percent of their time interacting with unit supervision and about 10-15 percent of their time interacting with an engineer in their respective units.

The distribution technicians in 36-05-02 and 03 locate and sequence distribution capacitors on the system to determine the order in which capacitors are turned on and off. The capacitors are operated remotely by a computer from a substation. They sometimes use a time-consuming software system called Distribution Management Information System (DMIS) to determine the sequence, but the record reflects that most distribution technicians prefer to perform manual calculations to determine the sequence. They look at the load on the substation transformer and first bring capacitors on-line that are furthest from the substation. In order to open a pad-mounted transformer, they use low voltage rubber gloves. The distribution technicians in 36-05-02 and 03 receive, inter alia, driver training, annual refresher CPR training, and training in the use of low voltage rubber gloves.

They create a plan for overhead crews to perform the actual installation work for distribution capacitors. Prior to the installation of new capacitors each winter and summer season, the distribution technicians work with distribution technicians in the System Planning Unit 37-02-04, to finalize the number of capacitors that are required on the distribution system. The distribution technicians keep distribution capacitor records current and accurate and provide this information to the distribution testers (included classification) in the same units, who inspect and maintain the distribution capacitors on a semi-annual basis.

Distribution technicians in 36-05-02 and 03 use a myriad of resources to perform their functions. They use WMS, DMIS, underground and overhead standards books, right-of-way handbooks, primary and secondary maps and aperture cards, sub-transmission maps and aperture cards. They also use the Electric Distribution & Engineering (EDE) handbook that contains the standards by which the electrical part of the distribution system is designed, and the blanket permit handbook and environmental permitting guide. The distribution technicians and distribution designers have received environmental permit training and are responsible for insuring that their drawings conform to environmental regulations and overhead and underground design standards.

Two of the distribution technicians in 36-05-03, Walters and Mathews, use CADD software to produce engineering drawings and blueprints concerning a part of the distribution system and the surrounding geography. These engineering drawings are drawn to scale based on secondary maps and they depict such things as roadways, property lines, transformers, utility poles, and buried cables. The distribution testers in 36-05-02 at Front Street do not use CADD software. All the distribution technicians, however, produce the same kind of engineering drawings either by hand or CADD machine.

Unit Supervisor for 36-05-03, Robert Floyd, testified that the job description for the distribution technicians (Er. Exh. 4, #162A) is not accurate. Supervisor Floyd testified that the distribution technicians do not revise design and construction standards or update distribution or construction standards, do not analyze various distribution facility records to solve construction problems associated with standards, and do not perform electrical and mechanical calculations necessary to establish design criteria and standards. Supervisor Floyd testified that the distribution technicians may perform electrical and mechanical calculations for the pole loading program, a computerized program that calculates the amount of load that a new utility pole can carry when added to the system based on the size of the cables and transformer. Supervisor Floyd testified that the distribution technicians work with engineers within the Customer Reliability Management Unit to determine solutions and initiate and follow-up on corrective actions. He testified that the distribution technicians also work with service operators, overhead crew leaders and the distribution designers and distribution testers in 36-05-02 and 03. Supervisor Floyd testified that the distribution designers perform on the job inspections, as necessary. He testified that they do not need two years post high school education in an engineering/technical area to qualify for the position and that the equivalent combination of formal education, training and experience is more important.

All of the distribution technicians in 36-05-02 and 03 have overhead line or construction experience, except one distribution technician, who has meter reading experience in the field. The distribution technicians spend 25 to 30 percent of their time in the field visiting job sites and meeting with overhead mechanics and overhead crew leaders to review the progress of jobs for which the distribution technicians have initiated corrective action. When in the field, they occasionally meet with electrical testers (included production and maintenance classification) in 36-05-04 concerning specific issues involving pad-mounted equipment. They attend unit meetings for 36-05-02 and 03 and general information meetings conducted by the department manager or divisional vice president concerning updates on company or divisional operations.

I conclude that the distribution technicians in 36-05-02 and 03 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Basic qualifications for the job include two years of post high school education in an engineering/technical area and over six years work experience and underground, overhead or circuit designed, engineering or construction, or the equivalent combination of formal education/training and experience. They spend about a third of their time monitoring the reliability of the distribution system by analyzing bogeys. They then create engineering drawings and blueprints, either by hand or with CADD, to provide for remedial action to correct the reliability problem on the system. The creation of these drawings requires electrical, physical and mechanical analyses that they perform on their own using independent judgment. They also independently determine the appropriate sequence for distribution capacitors to be operated. In these circumstances, I conclude that the distribution technicians in 36-05-02 and 03 are technical employees within the meaning of the Act and should be included in the BGE-wide technical unit.

Fisher Controls, 192 NLRB 514; PECO Energy Co., 322 NLRB at 1084 (draftsmen who create schematics to modify systems, using computer assisted design, drafting tables and desks, are technicals); Western Gear Corp., 160 NLRB at 274, 279 (draftsmen creating detailed drawings, utilizing mathematics and variety of technical symbols and exercising independent judgment are technicals); Allis-Chalmers Manufacturing Co., 129 NLRB at 89; Waldorf Instrument Co., 122 NLRB at 806. In addition, I note that the design work performed by the distribution technicians is very similar to the work performed by the project design coordinators in 39-01-07, a classification that both parties agree is technical under the Act.

Even if it should be determined that that the distribution technicians in 36-05-02 and 03 are not technical employees, I conclude that they perform substantial work of a technical nature and share a community of interest with other technical employees such as designers, drafters, project design coordinators, and service planners that I have included in the BGE-wide technical unit found appropriate herein. Brown & Root-Northrop, supra, 174 NLRB at 1006. I note that the distribution technician performs technical functions and utilizes technical and drafting skills that generally are distinct from the functions and skills of production and maintenance employees. The distribution technicians are in a separate work group from the distribution testers and therefore have separate immediate supervision from these production and maintenance employees. They work in an office environment and prepare reports for the engineer, like other technical employees that I have included in the BGE-wide technical unit in 5-RC-14908. Unlike the distribution technicians and other technical employees, the distribution testers do not have flex time available to them and are in the field most of the of the time. The interaction between the distribution testers and the distribution technicians is generally limited to the provision of information from the technicians to the testers. I conclude that the distribution technicians share a closer community of interest with the distribution designers in this unit, whom I find below are also technical employees, than with production and maintenance employees, such as the distribution testers. In these circumstances, I shall include the distribution technicians in 36-05-02 and 03 in the BGE-wide technical unit found appropriate in 5-RC-14908.

Distribution Designer, 36-05-02
Distribution Designer, 36-05-03

There is one distribution designer in 36-05-02, Edward Ey, and one distribution designer in 36-05-03, Bruce Ecker, in pay grade 30. They are directly supervised by the unit supervisor for their respective units. They share direct supervision with the engineer, customer service investigator, distribution technician, distribution inspection coordinator, and senior administrative assistant. The designers attend unit meetings at the Front Street or Piney Orchard service centers.

The distribution designers generally work 7 a.m. to 3:30 p.m., with flex time. They generally wear casual business attire to work. The major function of the distribution designers is to create plans to resolve system reliability issues so that maintenance or corrective action can be taken to improve the distribution system. The plans they create include drawings that are more detailed and more complex than the plans designed by the distribution technicians, whom I have found to be technical employees, as explained above. The distribution designers prepare detailed drawings showing geographical reference points, property lines, existing equipment, and proposed equipment, with wiring diagrams and a list of materials. The record established that these drawings are generally 11 by 7 prints that are used by construction crews in the field. Because the distribution designers create plans much like the distribution technicians, they use the

same or similar resources as those used by the distribution technicians, including WMS, DMIS, the same time entry system, underground and overhead standards books, rights-of-way handbooks, the Electric Distribution & Engineering (EDE) handbook, and the blanket permit handbook and environmental permitting guide. The distribution designers spend 5 to 10 percent of their time working with an engineer in their unit.

Supervisor Floyd testified that the preparation of plans for corrective actions on the distribution system is a collaborative process that involves the distribution technicians, distribution inspection coordinators, and distribution designers. The distribution designer uses the results of the analysis performed by the distribution technicians and distribution inspection coordinators to create plans for system improvement. During the preparation stage, the distribution designers occasionally meet with overhead crew leaders and overhead mechanics in the field. The distribution designers respond to requests from field crews to propose changes to planned designs during construction. The distribution designers must meet deadlines and work according to the availability of construction crew manpower.

The distribution designers spend 50 to 60 percent of their time in the field and the remainder of their time in their office at their desks or in meetings. They are trained in the use of low voltage rubber gloves because they use a telescoping stick when measuring clearances. The distribution designers perform a minor role addressing clearance issues involving overhead wires. One of the designers, Bruce Ecker, also has training in the use of high voltage rubber gloves that allows him to open up equipment in the field and verify what is present.

Supervisor Floyd testified that the job description for the distribution designer (Er. Exh. 4, #158A) is not accurate. With regard to basic qualifications, he testified that the distribution designers need eight years of experience in distribution construction design and drafting or the equivalent combination of formal education/training and experience. He testified that the distribution designers must have knowledge of mathematics and experience in the application of engineering and construction standards, surveying, and electrical theory necessary to determine design requirements. The record established that the distribution designers have received this knowledge through on-the-job training and experience. Supervisor Floyd testified that the distribution designer must produce accurate and technically acceptable, construction-related documents, but are not required to develop and produce job drawings using CADD. He further testified that the distribution designer must be familiar with environmental permitting and rights-of-way requirements in order to properly perform their job, and that they apply electrical distribution engineering practices established by BGE.

The distribution designers are not required to have any advanced schooling or formal training to qualify for the job. Bruce Ecker started out in the construction environment as an overhead lineman and Edward Ey started out as a drafter. Bruce Ecker has taken an employee educational assistance course in computer aided design (CADD computer software program) at Catonsville Community College that was also taken by the distribution technician in the same unit, John Mathews.

I conclude that the distribution designers in 36-05-02 and 03 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. They prepare detailed drawings that are more complicated than those created by distribution technicians. These drawings indicate property lines, existing equipment, and proposed equipment, and contain wiring diagrams and a list of materials. The design work performed by the distribution designers is very similar to that of project design coordinators in 39-01-07, whom

both parties agree and I have found to be technical employees under the Act. The distribution designers must have eight years experience in design and drafting or the equivalent combination of education/training and experience and must have knowledge of mathematics and experience in applying engineering standards and electrical theory. The distribution designers, like the distribution technicians, share immediate supervision by the unit supervisor and work the same hours as these technical employees. Accordingly, for the reasons articulated with respect to the distribution technicians, I find, a fortiori, that the distribution designers are technical employees and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Fisher Controls, 192 NLRB 514; PECO Energy Co., 322 NLRB at 1084 (draftsmen who create schematics to modify systems, using computer assisted design, drafting tables and desks, are technicals); Western Gear Corp., 160 NLRB at 274, 279 (draftsmen creating detailed drawings, utilizing mathematics and variety of technical symbols and exercising independent judgment are technicals); Allis-Chalmers Manufacturing Co., 129 NLRB at 89; Waldorf Instrument Co., 122 NLRB at 806.

Even if it should be determined that that the distribution designers in 36-05-02 and 03 are not technical employees, I conclude that they perform substantial work of a technical nature and share a community of interest with other technical employees such as designers, drafters, project design coordinators, service planners, and distribution technicians that I have included in the BGE-wide technical unit found appropriate herein. Brown & Root-Northrop, supra, 174 NLRB at 1006. I note that the distribution designers perform detailed design functions and utilize technical and drafting skills that generally are distinct from the functions and skills of production and maintenance employees. Like the distribution technicians, the distribution designers are in a separate work group from the distribution testers and therefore have separate immediate supervision from these production and maintenance employees. They work in an office environment and have flexible hours and are paid the same as other technical employees in the designer classification. Their interaction with production and maintenance employees is generally limited to collaborating on the preparation of plans to improve the distribution system. The distribution designers then use their own independent judgment to create the technical details for the plan. In these circumstances, I conclude that the distribution designers in 36-05-02 and 03 share a close community of interest with the distribution technicians in this unit and with other BGE technical employees involved with design work. In these circumstances, I shall include the distribution designers in 36-05-02 and 03 in the BGE-wide technical unit found appropriate in 5-RC-14908.

Senior Administrative Assistant, 36-05-02
Senior Administrative Assistant, 36-05-03

The senior administrative assistants are in pay grade 26. As noted, they share unit supervision with included and excluded classifications in work group 1. They spend about 95 percent of their time in their service center office. They work 8 a.m. to 4:30 p.m., with flex time. Their primary function is to provide administrative support for their respective units. They spend the majority of their time supporting the distribution testers (included production and maintenance classification) in work group 2, who are supervised separately by the senior distribution tester work leader. I note that the senior administrative assistant in 36-05-03 sits right outside Supervisor Floyd's office.

When new cases are referred by the service planners, the senior administrative assistants log the new cases into the WMS system. They prepare job packages for distribution testers that include a cover sheet, electronic trouble ticket, secondary map and relevant customer information.

They maintain the results of field inspections that distribution testers perform concerning the distribution capacitor inspection maintenance program. They spend about five percent of their time working with the Closer Accounting System and preparing certain paperwork so that service operators may take downstream current readings on the distribution system. They maintain a manual file of electric trouble tickets by feeder number in chronological order. They order materials that are needed by distribution testers and they serve as a communication conduit for distribution testers. They spend about 10 to 15 percent of their time providing administrative and clerical support to unit supervisors and engineers, who prepare reports. The senior administrative assistants use Lotus software when working on reports prepared by supervisors or engineers.

I conclude that the senior administrative assistants in 36-05-02 and 03 are office clerical employees and should be excluded from any of the units found to be appropriate herein. They have different skills and functions than production and maintenance or technical employees. They work exclusively in an office environment performing clerical and administrative tasks. They do not interchange with unit employees. They perform support functions and office clerical duties for unit employees and supervision. In these circumstances, I shall exclude the senior administrative assistants in 36-05-02 and 03 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

Equipment Diag. & Repair Center, 36-05-04 – Sup., Harry Anapa

The Equipment Diagnostic & Repair Center Unit 36-05-04 is responsible for the testing and maintenance of transformers, regulators, switch gear, safety equipment, and other distribution facilities and equipment. The unit is also responsible for inspection programs dealing with installed equipment on the electrical distribution system.

The parties have agreed that the following job classifications share a community of interest and should be included in a production and maintenance unit: distribution automation technician, distribution transmission tester, electrical tester, instrument technician, overhead crew leader, and overhead mechanic. See Er. Exh. 18. The parties are in dispute, however, as to the senior administrative assistant position. The Petitioner would exclude this classification and the Employer contends that the senior administrative assistant should vote in the production and maintenance unit as a plant clerical.

Senior Administrative Assistant, 36-05-04

There is one senior administrative assistant, Pauline Walker, in pay grade 26 in 36-05-04. She is in work group 1, with the overhead crew leader and overhead mechanic classifications, that are vacant. Work group one is supervised by Equipment Diagnostic & Repair Center Unit Supervisor, Harry Anapa. The senior administrative assistant works the same hours as the other included classifications in the unit, from 7 a.m. to 3:30 p.m., with flex time.

The senior administrative assistant in 36-05-04 sits in the middle of an open office environment with the work leaders. There are two workstations in the area for the electrical testers and distribution testers. She shares common facilities and chiefly interacts with electrical testers and distribution transformer testers when they are in the office instead of the field. She participates in morning stand-up meetings and in unit meetings.

The senior administrative assistant is responsible for tracking unit personnel by truck number and location on a magnetic board so that field personnel can be reached by radio or telephone. She stands by the radio during the day to log in switching reports from electrical testers and distribution transformer testers out in the field, who are inspecting and switching energized lines and equipment. The senior administrative assistant does not perform any switching operations in the field. She assists from the office with the location of equipment, when necessary, by pulling secondary feeder prints and talking the field personnel through the print until they locate the equipment in the field.

She assists the electrical testers and distribution transformer testers to enter data into the DMIS computer system to track repairs and inspections of pad-mounted equipment. She is responsible for maintaining the feeder books for the distribution transformer testers and electrical testers. She takes inventory of supplies and material in the central storage location in the shop area and she orders stock and non-stock material, equipment, and supplies that are needed. She also maintains materials in the paint room. She checks stock and makes sure that materials are put away on the shop floor. The senior administrative assistant goes to the loading dock at RBC and signs for material and equipment that is being delivered. She arranges for one of the electrical testers to take heavier equipment or material to its proper location. She puts away and checks lighter material and equipment.

The senior administrative assistant was known as a unit support clerk in unit 37-01-06 in 1996. See Er. Exh. 9C, p. 5-31 and 5-32. Since then, the clerical responsibilities of this job have been reduced and Pauline Walker acts more as an assistant to the unit supervisor and senior electrical testers, electrical testers, and distribution transformer testers. The record established that as computer use has become more widespread, the senior administrative assistant's clerical duties have decreased over time. Her main functions concern coordination and tracking of personnel and procurement of materials, supplies and equipment. The senior administrative assistant also maintains the company bulletin board so that all employees are updated on company events. The senior administrative assistant participates in the Results Incentive Award (RIA) program and has the same local goals as the rest of the unit.

I conclude that the senior administrative assistants in 36-05-04 is an office clerical employee and should be excluded from any of the units found appropriate herein. She has different skills and functions than production and maintenance or technical employees and does not perform production and maintenance or technical work. She works exclusively in an office environment with work leaders and she primarily performs routine clerical or administrative tasks such as maintaining records, tracking field personnel, inputting inspection data into a computer database, checking inventory and ordering supplies. She does not interchange with unit employees. In these circumstances, I shall exclude the senior administrative assistant in 36-05-04 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

Distribution Construction (UG) Sect., 36-06-01 – General Supervisor, Edward Sanute

The Distribution Construction Underground Section is responsible for maintaining the integrity of the underground distribution system. This Section handles new construction, operations, and maintenance activities associated with underground primary cables throughout the entire distribution system and cables that are housed in duct lines primarily throughout the City of Baltimore. This Section reports to the Spring Gardens Complex in downtown Baltimore.

There are seven Cable Splicing/Repair Units, 36-06-02 through 08, each headed by a supervisor in this section. Each Cable Splicing/Repair Unit in 36-06-02 through 06 is composed of splicing crew leaders (included production and maintenance classification), cable splicers (included production and maintenance classification), cable splicer B (included production and maintenance classification with no incumbents), and cable splicer trainee (included production and maintenance classification with no incumbents). The Cable Splicing/Repair Unit in 36-06-07 contains the above classifications, except the cable splicer B, and also contains cable crew leaders (included production and maintenance classification), senior cable installers (included production and maintenance classification), and splicer-cable installers (included production and maintenance classification). The Cable Splicing/Repair Unit in 36-06-08 includes all of the classifications in unit 36-06-02 and additional classifications that include overhead crew leader (included production and maintenance classification), overhead mechanic (included production and maintenance classification) and service operator (included production and maintenance classification).

Cable splicers and splicing crew leaders often need to wear a sprayer when working with hot lead. They are in the office about one half hour in the morning and then again in the afternoon to clean up. Petitioner Exhibit 54 contains a picture of cable splicer, Kimberly Anderson. She is wearing fire-retardant clothing, a hard hat, safety glasses, and high-voltage rubber gloves and sleeves. She is also operating the shotgun stick. Petitioner Exhibit 54 is a picture of Tim Evans, the splicing crew leader in 36-06, who wears rubber gloves and sleeves and fire-retardant clothing when working on energized equipment.

The parties, by stipulation, agree that the equipment operators, splicing crew leaders, cable splicers B (except one in 36-06-01), and cable splicer trainees belong in the BGE-wide production and maintenance unit. See Er. Exh. 18. The parties are in dispute, however, as to the following classifications: fault equipment technician, fault equipment technician assistant, field support assistants, and the cable splicer in 36-06-01. The Employer contends that these job classifications should vote in the production and maintenance unit. Alternatively, if the fault equipment technician and fault equipment technician assistant are found to be technical employees, the Employer would include them in the BGE-wide technical unit. The Petitioner would exclude the field support assistants and the cable splicer in 36-06-01 from any units. The Petitioner would include the fault equipment technician and the fault equipment technician assistant in the ETDD technical unit petitioned-for in 5-RC-14908. Alternatively, the Petitioner would include the fault equipment technician and fault equipment technician assistant in the BGE-wide production and maintenance unit in 5-RC-14909. The Petitioner takes the position that the fault equipment technician and assistant should vote in a separate technical unit limited to the ETDD, but if they are not found to be technical employees, they should be placed in the production and maintenance unit.

Field Support Assistant, 36-06-01

There are five field support assistants in pay grade 26 at Spring Gardens. They are supervised by the distribution construction planner in 36-06-01. The distribution construction planner does not supervise any other classifications in 36-06-01. The fault equipment technician in pay grade 32 and the fault equipment technician assistant in pay grade 30 report to General Supervisor Sanute. The underground shop work leader in 36-06-01 supervises the cable splicer (included production and maintenance classification) and equipment operator (included production and maintenance classification).

All of Section 36-06-01 is housed in the Underground Line Service Center Building at Spring Gardens. See Er. Exh. 182. The Employer presented general testimony that the field support assistants have “interaction” in this building with the included classifications in 36-06-01. Some “interaction” also occurs in Building 48, the Office and Storage Building, where the cafeteria is located. Underground crew leaders and underground mechanics from the Gas Distribution Division and vehicle mechanics and preventive maintenance technicians (included production and maintenance classifications) from Facilities & Fleet Services Department 75 in the General Services Division also use this cafeteria. Other common areas used by various included classifications at the Spring Garden Complex include the storage equipment area and the parking lot. A couple of times a week, the field support assistant will check on the availability of equipment at the storage equipment area or ask that the equipment operator or fault equipment technician assistant do so.

The field support assistants in 36-06-01 work in cubicles at the Spring Gardens complex. They spend a small percentage of their time performing time entry and material procurement functions via the computer system. All of the included classifications within 36-06-01 interact in the area near the field support assistants' cubicles. The underground construction crews communicate with the field support assistants about materials, timekeeping, and location of crews working in the field. The field support assistants interact with all classifications within the underground lines sections in common areas at the complex such as the assembly room, conference room, locker room, or laboratory. As noted, the field support assistants communicate with the fault equipment technician and the fault equipment technician assistant if one of the cable splicers or splicing crew leaders call or radio the field support assistant and request a particular piece of equipment, such as fault-locating equipment. On these occasions, the field support assistant visits the fault equipment technician's or assistant's work area to inquire about requested equipment and then relays the information back to the splicing crew leader or cable splicer via phone or radio.

The field support assistants in 36-06-01 generally work 7 a.m. to 3:30 p.m., although they are called on to work night shifts during emergencies about three or four times a year. Like other included classifications in the underground lines section, they are included in a rotating call-in roster and are on call about four times a month. During daytime emergencies, the field support assistants procure material, make necessary notifications, and check on the availability of equipment and material. During after-hours emergencies, the field support assistants notify construction crews to report for duty. During large-scale emergencies, such as Hurricane Floyd, the field support assistants work in the service center full-time. The field support assistants in 36-06-01 have the same result incentive award (RIA) as the other included classifications in the underground lines section in 36-06-01.

At the hearing, the Employer introduced the job histories of two of the five field support assistants, one of whom had previous experience as a cable installer and cable splicer trainee, and another, who previously was a paver. The record established, however, that a background in field work is not a required qualification for the field support assistant job.

The record established that there are some inaccuracies in the job description (Er. Exh. 4 #325B) for the field support assistants. For example, they do not prepare daily workload sheets; those are prepared by the supervisor. They do not distribute meter and job orders or maintain or coordinate medical absence records. The record established that the field support assistants use a typewriter about twice a year to prepare manifests and that very little of their time is spent maintaining an inventory of stationery and office supplies or receiving calls from customers. The

construction crews spend more time talking directly with the customer than does a field support assistant.

The field support assistants in 36-06, like the field support assistants in 36-20, spend about 90 to 95 percent of their time in the service center and wear casual attire to the office. The field support assistants in 36-06-01 are Ms. Sarchiapone, Ms. Levy and Ms. Szrom. See Pet. Exh. 53. Ms. Szrom started off as a secretary-stenographer, then became an administrative record clerk, and then moved back to a secretary-stenographer. She has not worked as a paver. The field support assistants work in a climate-controlled cubicle. The field support assistants do not wear respirators during the day and do not work underground.

I conclude that the field support assistants in 36-06-01 are office clerical employees, who do not share a community of interest with employees in any of the units found appropriate herein. They order office supplies, copy maps, enter time, and order materials via computer. Their mere handling of production related material does not make them plant clerical employees. Continuous Curve Contact Lenses, 236 NLRB at 1332 n.6; Cooper Hand Tools, 328 NLRB No. 21, slip op. at 41-42. They do not prepare daily workload sheets for construction crews or distribute meter or job orders. They work in an office area that is far removed from the underground crews, who work in the field in trenches and manholes, a completely different environment. Four of the five field support assistants have no experience in underground lines. The pictures in Petitioner's Exhibit 54 graphically illustrate the differences between the field support assistants and the construction crews with regard to manner of dress and the clerical versus physical nature of the jobs. The field support assistants work with the supervisors in the office. The field support assistants have separate supervision from the production and maintenance employees and underground crews. In fact, the distribution construction planner work leader only supervises them. They do not perform technical functions or have technical skills. In these circumstances, I shall exclude the field support assistants in 36-06-01 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

Cable Splicer, 36-06-01 (vacant as of 12/1/99)

The cable splicer in 36-06-01 was in pay grade 30. The employee who was in this position is currently on long-term disability and this position has been vacant since December 1, 1999. At the time of the hearing, no decision had been made as to whether this position would be filled. Mr. Keller had been the cable splicer in 36-06-01 for about 10 years, although his physical abilities were limited during the last four or five years. The record established that this particular cable splicer position has existed for more than 25 years, is no longer held by Mr. Keller, and was in the production and maintenance unit in 1996. See Er. Exh. 9C at p. 5-14.

The cable splicer constructs splices within the underground shop, takes inventory of emergency equipment and material, delivers that equipment or material to job sites, delivers splicing trucks or crane trucks to job sites when requested by cable splicers or splicing crew leaders, and participates in cable repairs. In the morning, the cable splicer in 36-06-01 interacts with the other cable splicers and splicing crew leaders in 36-06-02 through 08 to make sure that they have all the material and equipment necessary to complete the jobs they are working on. During the day, the cable splicer will interact via telephone or radio with the cable splicers or splicing crew leaders or fault technician assistants, if equipment is needed in the field. The equipment operator and the cable splicer in 36-06-01 work side by side to procure equipment. They report to work locations that are about two feet apart. Often, equipment that is the size of

trailers needs to be towed. That requires a two-man team. The fault equipment technician and fault equipment technician assistant or equipment operator and cable splicer, or any combination of those classifications, work together to deliver such material to the splicing crews.

When Mr. Keller held the position of cable splicer in 36-06-01, he inventoried material to ensure proper stocking levels. He also delivered material and equipment to job sites as part of a two-person crew, performed cable splices in the shop on temporary cable reels, and tested electrical instruments along with the fault equipment technician and fault equipment technician assistant. He used common hand tools such as pliers, knives, hacksaws and cable-cutters that are also used by splicing crew leaders, cable splicers and the fault equipment technician or assistant. He interacted with the splicing crew leaders and cable splicers, the equipment operator, the fault equipment technician and fault equipment technician assistant, and the field support assistants. Mr. Keller worked with the fault equipment technician or fault equipment technician assistant (classifications that perform essentially interchangeable job functions) on a daily basis to test various electrical instruments such as the explosive meters and oxygen indicators.

Sixty to seventy percent of the time, Mr. Keller worked at Spring Gardens. Otherwise, he was usually delivering material or equipment to the cable splicing/repair crews. Because of physical limitations, Mr. Keller could not go down the manholes and actually participate in making the splices in the field.

The Petitioner submits that the testimony regarding what a person may do in this job if it is filled some time in the future is too speculative. Petitioner requests that if the position is filled prior to the election, the individual should vote subject to challenge in Case 5-RC-14909. See Aeronca, Inc., 221 NLRB 326, 330 (1975); Milwaukee Children's Hospital, 255 NLRB 1009, 1013 n.9 (1981).

I disagree. I find the record testimony sufficient to establish that the cable splicer classification in 36-06-01, shares a community of interest with other production and maintenance employees and other cable splicers, whom the parties have agreed to include in the production and maintenance unit.

The record established that this particular cable splicer position has existed for more than 25 years and is no longer held by Mr. Keller. This position was included in the production and maintenance unit in 1996. See Er. Exh. 9C at p. 5-14. In addition, the record established that the cable splicer in 36-01-01 has the same skills and training, performs the same functions, uses the same tools, operates the same vehicles and works the same hours under the same working conditions and supervision as other production and maintenance employees. Specifically, the cable splicer in 36-06-01 is responsible for construction of splices, taking inventory of emergency equipment and material, delivering such equipment and material to job sites, and operating crane trucks. The cable splicer also participates in the repairs made to cables and in the fabrication of splices to temporary cables. In addition, the cable splicer in 36-06-01 interacts daily with splicing crew leaders, equipment operators, and the other cable splicers. In fact, the cable splicer in 36-06-01 works side-by-side with the equipment operators to procure job equipment and material and to deliver material to assist the splicing crews working on field jobs. In addition, the cable splicer in 36-06-01 uses hand tools commonly used by splicing crew leaders and other cable splicers and operates the same vehicles as the splicing crews. Mr. Keller's job responsibilities in the cable splicer position included maintaining the inventory of material and stock, delivering materials and vehicles to job sites together with the equipment operator, and performing splicing in the underground construction shop on temporary cable reels. Based on this record, I conclude

that there is sufficient evidence to establish that the cable splicer in 36-01-01 shares a community of interest with production and maintenance employees and I shall include this classification in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Fault Equipment Technician, 36-06-01 (908/909)
Fault Equipment Technician Assistant, 36-06-01 (908/909 issue)

The fault equipment technician, Bryan Krpejs, in pay grade 32⁴ and the fault equipment technician assistant, Wayne Smelter, in pay grade 30 report to the General Supervisor of the Distribution Construction (UG) Section, Edward Sanute. The fault equipment technician designs, constructs, tests, and repairs highly sensitive underground lines cable-testing equipment and fault-locating equipment. The fault equipment technician recommends to the general supervisor what type of fault-locating equipment should be purchased, and designs such equipment himself. For example, Pet. Exh. 54 represents a picture of the fault equipment technician assistant working on equipment that was designed by the fault equipment technician. The fault equipment technician is considered an expert in his field. He gives presentations at other facilities on fault-locating techniques, and he regularly attends fault locating seminars to keep current on developments in his area of expertise. The fault equipment technician spends the vast majority of his time at Spring Gardens. He spends only about 5-10% of his time in the field when an overhead or underground crew is unable to locate a fault.

The overhead and underground crews perform fault locating work in the field. The record established that 90% of the time, if an overhead crew needs to locate a secondary fault, the splicing crew leader would be the one to go out and find the fault. If the attempt is unsuccessful, the fault equipment technician will assist the crew leader. This happens only 5-10% of the time. The fault equipment technician, however, interacts on a daily basis with the splicing crew leaders and cable splicers. When the field construction crews fail to obtain the expected readings from fault-locating equipment, the fault equipment technician and/or the fault equipment technician assistant, visit the job site to provide assistance to the splicing crew leaders and cable splicers attempting to locate the fault. When the fault equipment technician or fault equipment technician assistant are unable to repair the fault-locating equipment, they send the equipment to the Equipment and Diagnostic Repair Center in 36-05-04, where the instrument technicians (included production and maintenance classification) examine the equipment.

The process used to locate faults on secondary lines by the fault equipment technician or the fault equipment technician assistant is the same process used by the overhead or underground crews. The fault equipment technician generally uses the same tools and equipment that the splicing crew leader or overhead crew leader, cable splicer and overhead mechanic use to locate faults, although he may use a different brand of equipment that is not on the crew trucks. The fault equipment technician does not need any additional training that the splicing crew leaders or cable splicers do not have to operate the fault-locating equipment. When in the field performing fault-locating activities, both the fault equipment technician and the fault equipment technician assistant are required to wear the same protective equipment worn by the splicing crew leaders and the cable splicers, i.e., high-voltage rubber gloves, a hard hat, safety glasses, and fire-retardant clothing. The fault equipment technician and the fault equipment technician assistant use the same hand tools (pliers, ratchets, wrenches, sockets and cable cutters) and the same electrical and fault locating instruments that are used each day by the splicing crew leaders and cable splicers. The fault equipment technician and the fault equipment technician assistant also

⁴ The record reflects that this is the highest weekly pay grade.

use switching sticks that are used by the splicing crew leaders, cable splicers, overhead crew leaders, overhead mechanics, distribution testers in 36-05-02 and 03, distribution transformer testers and electrical testers in 36-05-04, and service operators in 36-06-08, 36-23-06, 36-24-05, and 36-25-04 (included production and maintenance classifications).

The fault equipment technician spends about 50 percent of his time in the field and 50 percent of his time at Spring Gardens. The fault equipment technician assistant may spend a little more time than the fault equipment technician in the field assisting crews and delivering equipment. The fault equipment technician assistant does not have the same skill level as the fault equipment technician, but is familiar with operating the various types of fault-locating equipment and with diagnosing problems and assisting the crews in the field.

Both the fault equipment technician and fault equipment technician assistant have a background in cable splicing. They came up through the field and progressed through job functions performed by cable splicer trainees and cable splicers and the fault equipment technician performed functions as a senior AC network inspector that are similar to those functions currently performed by splicing crew leaders.

The record established that there are some inaccuracies in the job description (Er. Exh. 4 #213A) for the fault equipment technician. For example, the fault equipment technician does not develop and track instrument budgets. The job description requires one-year of post-high school education and over six years of related work experience on underground distribution equipment or the equivalent combination of formal education/training and experience. The record established that there is no requirement that the fault equipment technician have one year of post-high school education, although the fault equipment technician has six years of related work experience on underground distribution equipment based on his work history and on-the-job experience. The record established that the requirement for a working knowledge of the operation and theory concerning the various devices used in cable fault location refers to a basic understanding of how the electrical system works. Similarly, there is no requirement that the fault equipment technician assistant have any formal education beyond high school, although the work history of the fault equipment technician assistant would appear to satisfy the requirement of four years of related work experience on underground distribution systems or the equivalent combination of formal education, training and experience. See Er. Exh. 4, #342B.

The record testimony concerning the computerized employee training history records for the fault equipment technician and fault equipment technician assistant (Er. Exh. 184) established that these classifications generally take the same training courses as splicing crew leaders and cable splicers. Moreover, the field support assistants in 36-06-01 receive some of the same OSHA-related safety training concerning right to know, bloodborne pathogens, material safety data sheets and general CPR and first aid at section level meetings.

I conclude that the fault equipment technician is a technical employee and should be included in the BGE-wide technical unit found appropriate herein. The fault equipment technician must have one-year of post high school education and over six years of related work experience on underground distribution equipment or the equivalent combination of formal education/training and experience. The record established that the fault equipment technician is considered an expert in his field; is paid at the highest grade for a weekly BGE employee; gives presentations at other utilities on fault locating techniques; and attends fault locating seminars. In addition, he visits vendor sites and consults with fault locating equipment manufacturers to keep current on new technologies.

Similarly, I find that the fault equipment technician assistant shares a closer community of interest with the fault equipment technician than with the production and maintenance employees. The record established that the fault equipment technician assistant performs the same work as the technician, but is less skilled. The fault equipment technician and the assistant work in a separate unit from the underground crews and in a separate work group from other classifications in 36-01-01. They have different supervision from the underground crews and from the other classifications in their own unit. Thus, even assuming *arguendo* that the fault equipment technician assistant is not a technical employee, I find that he performs work of a technical nature and shares a closer community of interest with the fault equipment technician, who is a technical employee, than with the production and maintenance employees. Brown & Root-Northrop, supra, 174 NLRB at 1006. In these circumstances, I shall include the fault equipment technician and fault equipment technician assistant in the BGE-wide technical unit found appropriate in 5-RC-14908.

Distribution Lines Opers./Maint. Master Sec. 36-20-01 - Dir. Max Daggendorf

Distribution Lines Operations/Maintenance Master Section 36-20-01 handles maintenance for overhead lines and cables and performs reactive maintenance on underground cables and pad-mounted distribution equipment. This Master Section has four sections that are spread geographically throughout the service territory: Distribution Construction (Piney Orchard) Section 36-23-01; Distribution Construction (Howard/Westminster) Section 36-24-01; Distribution Construction (Front Street) 36-25-01; Distribution Construction (Cockeysville) 36-26-01.

Each Distribution Construction Section has the same classifications in all four service centers. These classifications are the distribution construction planner (excluded classification – work leader); equipment operator (included production and maintenance classification) and field support assistant (disputed classification). There are two or three field support assistants and one or two equipment operators in each of the Distribution Construction Sections (36-23-01, 36-24-01, 36-25-01, and 36-26-01). A distribution construction planner supervises the field support assistants and equipment operators. Each Distribution Construction Section (service center) has two or three Distribution Construction Units and one Distribution Field Operations Unit. The Distribution Construction Units consist of numerous crews composed of overhead crew leaders and the overhead mechanics (included production and maintenance classifications). The Distribution Field Operations Units in 36-23-06, 36-24-05, 36-25-04, and 36-26-04 consist of one included classification, service operators, who also report to the distribution service centers. The service operators typically perform work in the field as one-man crews. The field support assistants in the Distribution Construction Sections work for the Distribution Field Operations Units as well as the Distribution Construction Units, although their interaction is more frequent with employees in the Distribution Construction Units.

Each of the four service centers conducts regular monthly information and safety meetings for all classifications reporting there. The service centers have a safety committee, which is composed of an overhead crew leader, a mechanic, a field support assistant, and a service operator.

There are approximately one hundred overhead crews at the service centers in 36-20. They work 2 p.m. to 10 p.m. shifts, and 7 a.m. to 3:30 p.m. shifts. Most of the crews rotate shifts.

The crews spend about half an hour at the service center each day before going out to the field. Each service truck used by an overhead crew has equipment on it. If equipment is needed that is not on the service truck, the overhead crew leader or overhead mechanic calls the field support assistant at the service center to request the needed equipment. The field support assistant usually contacts the equipment operator and arranges for the delivery of the material or equipment.

The parties agree that the following job classifications belong in the BGE-wide production and maintenance unit: overhead crew leaders, overhead mechanics, overhead mechanics B, overhead mechanic trainees, service operators, and equipment operators. Er. Exh. 18 and Joint Stipulation, as amended. The parties are in dispute as to the placement of the field support assistants in the four Distribution Construction sections. The Employer contends that the field support assistants should vote in the production and maintenance unit as plant clericals. The Petitioner would exclude the field support assistants.

After the close of the hearing, the parties stipulated to several changes concerning the various units within this Master Section. They are discussed below. The discussion below concerning the post-hearing changes is slightly out of numerical order so that the field support assistants in this master Section may be discussed as a group.

Distribution Construction Trainee, 36-20

After the close of the hearing, the parties stipulated to the following paragraph: The title of the trainee position within this master section was changed from OH Mechanic Trainee to Distribution Construction Trainee. At the time of the hearing, there were no incumbents in this position. However, the company has now filled a number of these positions throughout the master section. The Union and the Company agreed to include the OH Mechanic Trainee in the BGE production and maintenance voting unit. The Company proposes that this new position be included in any BGE P&M voting unit found appropriate by the [Acting] Regional Director.

Although the parties previously agreed to include the overhead mechanic trainees in 36-23-02, 36-23-03, 36-23-04, 36-2403, 36-24-03, 36-25-02, 36-25-03, and 36-26-03 in the BGE-wide production and maintenance unit, there is insufficient evidence concerning the new classification distribution construction trainee. Accordingly, absent a clear stipulation by the parties that the distribution construction trainees should be included in the BGE-wide production and maintenance unit, I shall permit the distribution construction trainees in the Master Section 36-20 to vote subject to challenge in Case 5-RC-14909.

Distribution Construction (Piney Orchard) Unit (36-23-04)

OH Mechanic B

After the close of the hearing, the parties stipulated to the following paragraph:

A new complement position was established for this position with this unit. The OH Mechanic B within this unit performs distribution system maintenance, as do the other positions within this unit and should be included in any BGE P&M voting unit found appropriate by the [Acting] Regional Director.

Distribution Field Operations Unit (36-23-06)

The parties stipulated to the following paragraph:

Five OH Mechanics were transferred to this unit from Unit 36-23-02 and 39-12-05. They continue to perform distribution operations and maintenance work and should be included in any BGE P&M voting unit found appropriate by the [Acting] Regional Director.

Distribution Construction Unit (36-24-02)

OH Mechanic B

The parties stipulated to the following paragraph:

A new complement position was established for this position with this unit. The OH Mechanic B within this unit performs distribution system maintenance, as do the other positions within this unit and should be included in any BGE P&M voting unit found appropriate by the [Acting] Regional Director.

Distribution Construction Unit (36-24-06)

OH Mechanic B

The parties stipulated to the following paragraph:

A new complement position was established for this position with this unit. The OH Mechanic B within this unit performs distribution system maintenance, as do the other positions within this unit and should be included in any BGE P&M voting unit found appropriate by the [Acting] Regional Director.

Distribution Field Operations Unit (36-25-04)

The parties stipulated to the following paragraph:

Two OH Mechanics were transferred to this unit from Unit 36-23-04 and 36-25-03. They continue to perform distribution operations and maintenance work and should be included in any BGE P&M voting unit found appropriate by the Regional Director.

**Dist. Const. (Piney Orchard) Sec., 36-23-01 – General Supervisor, Anthony Welborn
*Field Support Assistant, 39-12-01 (formerly 36-23-01)***

The parties stipulated that the field support assistant in this unit was transferred to the Distribution Construction Section Office (39-12-01) and performs the same duties as the other Field Support Assistant in that unit.

This classification is discussed further below.

Dist. Const. (Howard/Westminster) Sec., 36-24-01 – General Supervisor, William Campo, Jr.

Field Support Assistant, 36-24-01

**Dist. Const. (Front Street) Sec., 36-25-01 – General Supervisor, Dale Clements
*Field Support Assistant, 36-25-01***

**Dist. Const. (Cockeysville) Sec., 36-26-01 – General Supervisor, Bruce Kline
*Field Support Assistant, 36-26-01***

The field support assistants are in pay grade 26. They are supervised by the distribution construction planner-work leader, who also supervises the equipment operator. The field support assistants do not use any of the tools used by overhead mechanics and overhead crew leaders. The field support assistants work out of the service centers during storms to dispatch crews via phone or radio. The field support assistants do not draw maps used by the overhead crews. They take the maps off microfiche and make copies of them. The field support assistants typically wear casual attire to the office. They do not wear the various safety equipment used by the overhead crews. They spend about 90 to 95 percent of their time in the service center. The field support assistants work 7 a.m. to 3:30 p.m., Monday through Friday. They do not work the 2 p.m. to 10 p.m. shift.

As noted, the parties stipulated that the field support assistant formerly in 36-23-01 was transferred to the Distribution Construction Section Office (39-12-01) and performs the same duties as the other Field Support Assistant in that unit. The field support assistant formerly in 36-23-01 and a field support assistant from the New Business and Distribution Construction Department 39 are located at the Piney Orchard service center in an area called Planning and Support. The distribution construction planner (excluded work leader) sits in the center of that area. This area is where assignments are given out in the morning. The field support assistants interact with the construction crews at this time concerning the materials that are needed for the job that day. If a problem occurs during the day, the field support assistant would communicate with the construction crews by telephone or by radio. Problems occur on a daily basis, so there is frequent communication between the field support assistants and the construction crews. The field support assistants in department 36 interact daily via phone and face-to-face with the field support assistant in department 39. These field support assistants normally sit within 10 feet of each other. The overhead crew leader, mechanic and field support assistants all use or share common facilities at the Piney Orchard service center such as the assembly room, the conference room, the locker rooms and the lunch room.

The field support assistants in 36-24-01 and a field support assistant from Department 39 at the Howard service center reside in an area marked "Clerical Area" on Er. Exh. 179, a lay out of the Howard service center. The field support assistants interact with the overhead crew leaders and overhead mechanics at Howard in much the same way as the interaction at Piney Orchard. There is a Meter and Installation Unit 39-12-02 within Department 39 at the Howard service center. The field support assistants interact with the meter inspector from this unit. Several times a week, the field support assistants will communicate via telephone or radio with the meter crew leader and meter mechanic (included production and maintenance classifications) from Department 39 concerning assistance that they may need from an overhead crew leader or overhead mechanic. The field support assistants in 36-24-01 also interact with the field support assistant from Department 39 much like the interaction at Piney Orchard. The field support assistants at the Howard service center also interact with the underground crew leader and underground mechanic (included production and maintenance classifications) from the Gas Distribution Division in M3-04-08. The field support assistants in 36-24-01 communicate by phone or radio with the gas crew about when the crew will arrive at the job site and what material will be needed and convey this information to the overhead crews in the service center, who may be working with the gas crews. The field support assistants also interact with the service operators (included production and maintenance classification) at the Howard service center, much like the interaction between field support assistants and service operators at Piney Orchard.

The field support assistants in 36-25-01 work in cubicles on the first floor of the Monument/Front Street complex. The Distribution Construction Units and overhead crews also report to this location. In addition, the Outdoor Lighting Section in 39-02 and meter crew leaders (included production and maintenance classification), meter inspectors (included production and maintenance classification) and meter mechanics (included production and maintenance classification) from the Meter and Installation Unit in 39-11-03 are also located on the first floor. The field support assistant in 36-25-01 interacts with these included classifications in the Meter and Installation Unit 39-11-03 by telephone or radio on an as-needed basis to obtain information about the location of a job and to ensure that the necessary materials are provided. The field support assistant also interacts with the lighting servicer (included production and maintenance classification) in the Outdoor Lighting Maintenance Unit 39-02-03 a couple of times a week either by radio, phone or in person. The field support assistants in 36-25-01 also interacts with the service operators (included production and maintenance classification) in 36-25-04 much like the interaction between these classifications at other service centers.

The Front Street campus has a cafeteria that is shared by all classifications in 36-25, by some other classifications in Departments 36 and 39, and by the Facilities & Fleet Services Department in the General Services Division. There is also a men's locker room at Front Street. In addition, there is an equipment room or storage area located in the Old Monument Street building that is used by overhead mechanics, overhead crew leaders, and service operators. The field support assistants visit the Old Monument Street building once or twice a week.

The field support assistants in 36-26-01 at the Cockeysville service center occupy areas located near the service center entrance. The field support assistants at Cockeysville interact with the overhead crew leaders, overhead mechanics, and equipment operators. The Cockeysville location also houses some gas crews and some administrative personnel from the Gas Distribution Division. All these employee use or share common areas such as an assembly room, vending machine area, and lunch room. Outside the service center building, there is an area for storing emergency material and equipment. There is also an equipment room that is used by the field support assistants and the other classifications.

The field support assistants in 39-12-01 (formerly 36-23-01), 36-24-01, 36-25-01, and 36-26-01 primarily assist the overhead crew leaders, overhead mechanics, and service operators. They obtain information from them on field conditions and what material, tools, and equipment are needed to facilitate repairs or construction. They procure emergency and stock material for field work. In fact, the field support assistants frequently interact with overhead crew leaders and overhead mechanics to ensure they have the material needed for a particular job or for upcoming jobs. The field support assistants visit the storage area several times a week to obtain material and equipment needed for all the overhead crews. If the field support assistant does not visit the storage area personally, he or she contacts the equipment operator, who is located in the same building, but in a different area. The equipment operator will then locate the equipment or material and deliver it to the field. On occasion, the field support assistants attempt to locate material such as stored cable and determine whether there is supply on hand. If the material is not stored at the service center, the field support assistant contacts the Purchasing Materials Management Department about an emergency delivery. At times, the construction crews pick up the material or it could be picked up and delivered by the equipment operator, the field support assistant, or an employee from Division 70. The field support assistants work with the equipment operators when procuring materials or equipment and making arrangements for transporting it to the job site. Like the equipment operators, they make emergency deliveries of material to the job site.

The field support assistants are also in contact with meter crew leaders and meter mechanics in Department 39, and underground crew leaders and underground mechanics in the Gas Distribution Division (M3-04-08). They coordinate the work of said crews with the work of the construction crews. The field support assistants dispatch additional work crews, relay orders, and make prints of primary and secondary distribution maps for the crews. When the field support assistants are not available, the overhead crew leaders and overhead mechanics perform the same functions with respect to procuring materials and making prints. The record established that overhead mechanics or overhead crew leaders, who are unable to perform their regular duties because of sickness or illness, commonly function as field support assistants. Recently, an overhead mechanic worked as a field support assistant at Piney Orchard for about five months. The field support assistants also interact with the safety specialist from the Safety & Training Unit in 37-03-04. They communicate about setups for traffic controls. For example, if an overhead pole has been struck and special traffic protection is needed, the field support assistants discuss arrangements with the safety specialist. This happens several times a month.

Field support assistants distribute the daily work location sheets to the crews after the supervisor prepares them. Field support assistants interact directly with the construction crews in the morning when they receive assignments and assist them with maps, materials, and other support they may need. The interaction continues by radio or telephone as the day progresses, as problems arise in the field, or as other assignments come in. They communicate with construction crews in the field regarding digging permits. If an overhead pole is hit and broken, the overhead crew would communicate that fact to the field support assistant. At that point, the field support assistant would procure necessary material to repair the problem by talking to the equipment operator or to the Purchasing Materials Management Department in the General Services Division and then get back to the crew with an estimated time for arrival of the material. The field support assistants are involved with ordering material to ensure that emergency and routine levels of stock are maintained. After hours, an overhead crew leader or mechanic would perform the same function as the field support assistants. For example, if a secondary cable has been struck and repairs are needed after 3:30 p.m., then the overhead mechanic or overhead crew leader will generate the primary and secondary prints and procure the necessary material by contacting the store room in Division 70.

The field support assistants need to have a basic knowledge of construction standards. The field support assistants regularly use and must be familiar with the construction standards book. They use the construction standards book to locate material necessary to build or replace a particular piece of equipment such as the necessary connector for a cable fault. Similarly, they may look at the construction standards book to determine the materials necessary to make different types of splices so that they can procure such material through the computerized ordering system. The construction standard book is carried by the splicing crew leaders, overhead mechanics, equipment operators and service operators.

The field support assistants are placed in the same weekly rotation on the emergency call roster as the overhead crew leaders, overhead mechanics, and equipment operators. The field support assistants are called in for work if there is a significant event. Field support assistants work overtime about 10 to 15 percent of the time.

The field support assistants are involved with timekeeping. They enter time into a computerized system called the Time Entry System. The field support assistants maintain stationary and office supply inventory, however, that is a very small part of their overall job

function. The field support assistant operates a typewriter once or twice a year when they have to prepare a multi-copy manifest. The field support assistants, supervisors and splicing crew leader run reports from, and input data into, the Work Management System (WMS).

Like the equipment operators, the field support assistants are supervised directly by the distribution construction planner - work leader in the Distribution Construction Section. Like overhead crew leaders, overhead mechanics, and equipment operators, field support assistants are required to take first aid and CPR training and be certified to operate company vehicles. The field support assistants are members of safety committees and attend all information meetings with overhead crew leaders, overhead mechanics, equipment operators, and service operators. The field support assistants have the same Result Incentive Award goals as the other members of the service center. The RIA award is composed of a local goal for section 36-20, a department goal for Department 36, and a divisional goal for the ETDD. The field support assistants have access to and use the same locker rooms, lunch rooms, vending machines, assembly areas, storage rooms, and parking lots used by the overhead crew leaders, overhead mechanics, equipment operators, and service operators in the service centers. During storm restoration efforts, field support assistants dispatch overhead crew leaders and overhead mechanics to new problem areas.

In 1996, the field support assistants were called construction clerks and both parties agreed that they should vote in the production and maintenance unit. See Er. Exh. 9C at p. 5-12. The record established that the title was changed to field support assistant to denote the work the field support assistants perform in the service center with production and maintenance personnel. The job duties, however, have not changed at all.

I conclude that the field support assistants in 39-12-01 (formerly 36-23-01), 36-24-01, 36-25-01, and 36-26-01, share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. Although the field support assistants spend most of their time in an office environment, only a very small amount of that time is devoted to clerical duties such as maintaining supplies, typing, or maintaining time records. As shown above and summarized below, the work of the field support assistants is often functionally integrated with the work of production and maintenance employees and the field support assistants have substantial and regular contact with production and maintenance employees. In addition, there is some temporary interchange or overlap of function and shared supervision.

Specifically, I note that the field support assistants distribute the daily work location sheets to the construction crews and interact directly with them in the morning to assist them with maps, materials, and other support they may need. This interaction continues by radio or telephone as problems or needs arise during the day. The field support assistants share supervision with the equipment operators, who are undisputed production and maintenance employees. In fact, the field support assistants perform many of the same tasks as these production and maintenance employees. For example, they visit the storage area several times a week to obtain material and equipment needed for the overhead crews. They use the construction standards book that is carried by the splicing crew leaders, overhead mechanics, equipment operators and service operators, to locate material necessary to build or replace a particular piece of equipment. They work with the equipment operators when procuring materials or equipment and when making arrangements to transport it to the job site. Like the equipment operators, they make special deliveries to the job site. The field support assistants regularly interact with overhead crews to ensure they have the materials and prints needed for particular jobs and they regularly interact with underground crews to coordinate with overhead crews or relay additional

work orders. There is some temporary interchange from overhead crew positions into the field support assistant classification. Thus, when a field support assistant is not available, the overhead crew leaders and overhead mechanics perform field support assistant functions with respect to procuring materials and making prints. In addition, overhead mechanics or overhead crew leaders, who are unable to perform their regular duties because of sickness or illness, commonly function as field support assistants, sometimes for many months at a time. Furthermore, the field support assistants are placed in the same weekly rotation on the emergency call roster as the overhead crew leaders, overhead mechanics, and equipment operators and they share the same RIA goals as other employees at the service centers. In these circumstances, I conclude that the field support assistants in 39-12-01 (formerly 36-23-01), 36-24-01, 36-25-01, and 36-26-01, have interests that are closely aligned with and share a sufficient community of interest with production and maintenance employees. Accordingly, I shall include them in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

C. ELECTRIC SYSTEMS OPERATIONS & PLANNING DEPT. 37

The Electric System Operations and Planning Department is responsible for planning and operating BGE's electric transmission substations and distribution systems. Department 37 is comprised of separate sections.

After the close of the hearing, the parties stipulated that the old Safety, Standards and Training Section (37-03) was eliminated and the functions and most of its employees were transferred to a new ***Safety Standards and Training Unit 37-00-03***. This unit develops and maintains the division's Construction Standards and Work Practices, performs safety audits, and provides skills training and safety training, as further discussed below.

The ***System and Reliability Planning Section 37-02-01*** is responsible for developing the plans and coordinating the various projects and programs that will be performed by the ETDD over a 3-year time period. There are four organizations within this section: (1) *The Reliability and Maintenance Planning Unit 37-02-02* is responsible for developing all the various reliability programs for the electrical transmission, distribution and substation components of BGE's system and overseeing the maintenance functions associated with them. The unit has a number of different programs that are targeted at monitoring performance of specific components of the electrical system. It is also responsible for coding and tracking all customer-reported outages. (2) *The Distribution Engineering and Special Studies Unit 37-02-03* maintains the engineering standards for the electrical distribution system and performs a number of special studies on abnormal operations that have occurred on the system. (3) *The System Planning Unit 37-02-04* is responsible for developing the various projects associated with transmission substations and the distribution system. They work very closely with the various organizations to develop plans for substation system protection, new business and distribution construction, and transmission and distribution operation and maintenance. (4) *The Power Quality Studies and Services Unit 37-02-05*, was created in February 2000 to provide consulting services for internal and external customers. This unit is responsible for the power quality monitoring system that BGE has installed at customer and company substation locations. This unit collects, monitors, and maintains that system.

The ***Maps and Records Section 37-05-01*** is responsible for maintaining, modifying, and updating all of the maps and records for the electric distribution system. The parties stipulated that this section has been reorganized such that there is no staff in the section office and there are

now three units in the section: Maps and Records Support Unit (37-05-04), Distribution Right-of-Way and Liaison Unit (37-05-0A), and Drafting Unit (37-05-0B).

The *Systems Operations Master Section 37-10-01* is responsible for the operations of the bulk power system as well as the electric distribution systems. It has been reorganized since the close of the hearing, as discussed infra.

[New] Safety, Standards & Training Unit 37-00-03

After the close of the hearing, the parties stipulated to the following two paragraphs:

The old Safety, Standards and Training Section (37-03) was eliminated and the functions and most of its employees were transferred to this new unit. This unit develops and maintains the division's Construction Standards and Work Practices, performs safety audits, and provides skills training and safety training. These are the same functions previously performed by section 37-03, except Unit 37-00-03 provides these services to Departments 33, 36, 37, and 39. Unit 38-02-04 provides these services for Dept. 38.

The Safety Standards and Training Unit (37-00-03) includes two disputed positions, the Distribution Technician and the Safety Specialist. Employees in these positions perform the same duties as in their former organizations and as was presented during the hearing. Three of the Safety Specialists who used to be in Unit 37-03-04 were transferred to other departments within Electric Transmission and Distribution. However, they continue to perform the same duties as in their former organizations and as was presented during the hearing.

The Petitioner would include the distribution technician in the petitioned-for technical unit in the ETDD. The Employer would include the distribution technician in the BGE-wide production and maintenance unit, and alternatively, in the BGE-wide technical unit, if I find that unit appropriate. The Employer would include the senior administrative assistant in the BGE-wide production and maintenance unit, whereas the Petitioner would exclude this classification.

Distribution Technician, 37-00-03 (formerly 37-03-03)

There are two distribution technicians in 37-00-03 (formerly 37-03-03) in pay grade 29. They work at the Arlington Training Center. The distribution technicians work from 7 a.m. to 3:30 p.m., but they have flex time available. They are supervised by this senior engineer work leader who also supervises the engineer, engineering analyst, and associate engineer (excluded classifications) in workgroup 2. The distribution technicians assist and support the development or modification of existing construction standards. One distribution technician has responsibility for underground standards and new types of splices and generally works with an engineer as a team. The other technician has responsibility for overhead construction standards and generally works with an engineering analyst as a team. The distribution technicians sit in cubicles, close to where the rest of the employees in the unit sit. The engineering analyst sits next to the technician that he teams up with on overhead standards. The engineer sits next to the technician that he teams up with on underground standards, and next to a CADD contractor.

The above-mentioned teams review, modify and update standards and practices. The distribution technicians, engineers and engineering analysts review all of the construction standards on a three-year cycle and update them to incorporate any changes in materials or work instructions. When necessary, they sketch changes on the drawings that are incorporated into the

standards and give them to a contractor employee for revision using CADD. When significant changes are made to existing standards, they provide training for construction and design personnel.

The distribution technicians also work in teams with the engineers and engineering analysts to evaluate new equipment or materials to make sure they are reliable and safe. They test the products at the Arlington Training Center and sometimes request that construction personnel come to the Center to provide input. Before the new equipment is installed and energized, the distribution technicians, engineers and engineering analysts develop construction standards and work practices that include material lists and specific installation instructions. They take into account vendors' recommendations and requirements of the National Electrical Code and local jurisdictions. They also train construction personnel to operate the new equipment. In response to requests from the field, the distribution technicians and the engineering personnel investigate problems and recommend changes in materials or work practices.

The distribution technicians essentially support the engineer and the engineering analyst in developing, updating and maintaining standards. During a three-year cyclical period, each standard is reviewed and the distribution technicians play a role in reviewing certain standards or sections of the construction manual. The engineer and engineering analyst, who work on teams with the distribution technicians, also review sections of the standards manual and check the work of the distribution technician. The distribution technicians need to be familiar with and keep abreast of national and local codes and regulations. The engineer and engineering analyst, who work with the distribution technicians, need the same knowledge.

The distribution technicians update information on the material lists for construction of the standards. If there is a new piece of equipment that is introduced into the distribution system, the distribution technician will assist either the engineer or the engineering analyst to develop a construction standard for that new piece of equipment. The record established that service operators, who perform switching on equipment, and construction personnel who install equipment, also review new equipment to provide input as to safety and reliability about 10 percent of their time. The distribution technicians assist the engineer or engineering analyst to put together installation instructions for standards. Their work is reviewed by either the engineer or engineering analyst and then is reviewed by the senior engineer work leader for final overall approval. The senior engineer work leader approves the work of the engineer and/or engineering analyst.

The distribution technicians must be familiar with the electrical distribution system, various voltage levels, and various types of equipment and material used on the system. The distribution technicians are not qualified to open equipment and perform switching or other types of operations. Rather, they develop the construction standards for what the final product will look like.

Distribution technicians have occasion to be in the field to investigate problems and use their expertise to determine how to resolve the problem. The distribution technicians spend about 15 to 20 percent of the time in the field investigating problems or resolving questions that construction forces may have about material or standards. They take recommendations back to the engineer and senior engineer. When they go out to the field, they are required to wear the same protective equipment that field construction personnel would wear, although they do not perform physical construction work in the field.

If there is a significant change to a construction standard or if there is training associated with some construction standard, the distribution testers visit service center where designers, service planners, and construction crews are located to assist the engineer or engineering analyst to provide training. The distribution technicians assist in conducting training for the standards that apply to both construction and design personnel. The distribution technicians do not independently perform this training. Generally, however, most of the changes to the construction standards are relatively minor and updates are distributed through the mail. Only if there is a significant change would there be training.

The distribution technicians do not perform electrical-type calculations. They perform mechanical-type calculations using designated formulas, such as developing sag calculations for wires stretched between poles. The distribution technicians enter data into a pre-determined formula to make such calculations.

The distribution technicians have storm duties as either patrollers or BIS analysts. The distribution technicians participate in the RIA program. All of the other classifications in 37-03-03, including the monthly engineering personnel, share the same RIA local goal that is related to customer service. The distribution technicians receive departmental safety training.

The record testimony established that the four basic qualifications for the distribution technician position, as set forth in the applicable job description (Er. Exh. 4, #162A) are accurate. Thus, a distribution technician must have “[t]wo years post-high school education in engineering/technical area and over 6 years work experience in underground, overhead or circuit design, engineering or construction, or equivalent combination of formal education/training and experience.” In addition, the distribution technician must have “[k]nowledge of distribution materials, work practices and construction methods or techniques.” The record established that a new hire as a distribution technician would be required to satisfactorily complete the Technician Occupation Selection System Test (TOSST). On the underground side, the technician, John Birrane, has more involvement in the review of new types of splices.

I conclude that the distribution technicians are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. The distribution technicians must come to the job with two years post-high school education in an engineering/technical area and over six years work experience in underground, overhead or circuit design, engineering or construction, or have an equivalent combination of formal education, training and experience. New hires are required to satisfactorily complete the Technician Occupation Selection System Test (TOSST). Although the distribution technicians lack the professional training of the engineers and engineering analysts with whom they work as a team, they perform substantially the same work. Moreover, even though their work is checked by the engineers and engineering analysts, their responsibilities require the use of independent judgment when assisting engineering personnel. Accordingly, I conclude that the distribution technicians in 37-00-03 (formerly 37-03-03) are technical employees under the Act, and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908.. Western Gear Corp., 160 NLRB at 274; Allis-Chalmers, 128 NLRB at 89; Waldorf, Inc., 122 NLRB at 805; National Gypsum Co., 116 NLRB at 1009.

Even if it should be determined that the distribution technicians in 37-00-03 (formerly 37-03-03) are not technical employees, I find that they share a close community of interest with technical employees because of the technical skills and judgment their work demands. I find that they share a closer community of interest with technical employees than with production and

maintenance employees. They spend most of their time in an office building, where they work in a unit otherwise totally staffed by monthly engineering personnel. They work flex time under separate supervision from construction forces. They neither perform physical work, nor are they qualified to do so. Their contact with production and maintenance employees is generally limited to training in technical areas and to obtaining input concerning new equipment or problems in the field. There is no evidence of interchange with production and maintenance employees. In these circumstances, I shall include the distribution technicians in 37-00-03 (formerly 37-03-03) in the BGE-wide technical unit found appropriate in 5-RC-14908. See Brown & Root-Northrop, supra, 174 NLRB at 1006.

Senior Administrative Assistant, 37-00-03 (formerly 37-03-04)

The senior administrative assistant in 37-00-03 (formerly 37-03-04), Jewell Ashmore, is in pay grade 26. She spends about 100 percent of her time at the Lord Baltimore Building and may work flex time or a variable schedule. She spends 75 to 80 percent of her time performing clerical and administrative functions for unit supervision. She also performs clerical and administrative functions for other unit employees located at the Lord Baltimore Building. She schedules meetings, assigns conference rooms, inputs data for substation training records and performs other general clerical-type activities. She sits in the same office area as safety specialist, Bob Tutin. She primarily interacts with Supervisor Evans and the engineering analyst work leader. She receives departmental safety training. She participates in the RIA program. Her local RIA goals relate to improvement of the clerical tasks that she performs for Supervisor Evans.

I conclude that the senior administrative assistant in 37-00-03 (formerly 37-03-04) is an office clerical employee who should be excluded from any of the units found appropriate herein. She has different skills and functions than unit employees, works exclusively in an office environment performing clerical and administrative tasks, has little face-to face to contact with unit employees and does not regularly interchange with them. In these circumstances, I shall exclude the senior administrative assistant in 37-00-03 (formerly 37-03-04) from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

Reliability & Maintenance Planning Unit, 37-02-02, Principal Engineer, James Dodge

This unit develops reliability programs for the electric transmission, distribution, and substation system, and also oversees the maintenance function with respect to the substation and system protection components of the system.

There are four weekly job classifications in Unit 37-02-02, all of which are disputed: engineering technician, principal administrative assistant, senior administrative assistant, and administrative aide. BGE contends that all of these job classifications should vote in the BGE-wide production and maintenance unit, a production and maintenance unit. The Petitioner contends that the engineering technician should be included in the petitioned-for technical unit in the ETDD and that the other classifications should be excluded.

Administrative Aide, 37-02-02

The administrative aide is in pay grade 22. The administrative aide shares supervision from the senior engineer work leader in work group 3 with the engineer (excluded classification), principal administrative assistant and senior administrative assistant (disputed classifications). The administrative aide works flexible hours in a typical office environment at the Electric Operations Building (EOB) about hundred percent of the time. The administrative aide works in the same area as the engineering technician, who is supervised by another senior engineer work leader in work group 2.

The administrative aide spends the majority of the time entering data into a computer. The administrative aide is primarily responsible for issues related to customer billing based on “four-copy calls” that are completed by service operators. The “four-copy calls” contain customer-billing information. The “four-copy calls” are routed to the administrative aide through inter-office mail. The administrative aide enters the billing information into the Customer Information System (CIS) so that the customer will see that charge on their next monthly bill. A couple of times a week, when the administrative aide has questions about a billing issue, the aide will call a service operator. The administrative aide is also responsible for filing all of the paperwork used by the principal administrative and senior administrative assistants, such as switching logs and four-copy calls. The administrative aide is responsible for miscellaneous clerical duties, such as maintaining microfiche and feeder books and for administrative functions related to the copier, microfiche printer and reviewer.

The administrative aide needs basic computer knowledge and knowledge of the customer information system, and basic clerical and administrative skills concerning filing and organization. Some customer service skills are also necessary for those times when the aide talks on the phone with a customer communication service representative about once every two to three weeks.

I conclude that the administrative aide in 37-02-02 is an office clerical employee who does not share a community of interest with employees in any of the units found appropriate herein. The administrative aide has different skills and functions than these employees. The administrative aide works exclusively in an office environment performing clerical, administrative and billing tasks using office equipment under separate supervision. The administrative aide has little face-to face contact with production and maintenance employees, does not regularly interchange with any unit employees, and is paid considerably less than they are paid. Although the administrative aide works in the same area as the engineering technician, these classifications have separate supervision and job qualifications. In addition, the administrative aide performs duties and functions that are clerical and significantly different from the functions performed by the engineering technician, whom I have included in the BGE-wide production and maintenance unit, as explained below. In these circumstances, I shall exclude the administrative aide in 37-02-02 from any of the units found appropriate herein. See e.g., Mitchellace, Inc., 314 NLRB 536 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

Engineering Technician, 37-02-02

The engineering technician in 37-02-02, Mr. Keefer, is in pay grade 30 in work group 2. He shares supervision from the senior engineer work leader with excluded engineering classifications. The engineer technician work with the engineering analyst under the guidance of

the senior engineer work loader. The engineering technician spends 50 percent of his time working with the engineering analyst in work group 2. His office is located at the EOB along with the principal administrative assistant, senior administrative assistant and the administrative aide. The engineering technician spends over 90 percent of his time in the EOB. He works flexible work hours. The engineering technician is eligible to work the adjustable daily base option schedule that allows one eight-hour day to be taken off within a two-week period.

The engineering technician is responsible for reviewing the particular pieces of equipment that are located in each individual substation within BGE's system to determine when they are due for periodic maintenance based on a defined maintenance cycle. The engineering technician identifies what steps need to be performed by the substation mechanic during that maintenance cycle. Using Maximo, the computerized record keeping system that contains a defined maintenance cycle for each piece of equipment, the engineering technician then develops the workload plan and package that is required. In addition to Maximo, the engineering technician also uses spreadsheets and databases to put together work orders. The engineering technician monitors the maintenance cycles for the various pieces of equipment and develops a workload plan that reflects the work that needs to be performed. The engineering technician spends about one third of his time working with Maximo at his desk. About 100 percent of his time is spent with the overall maintenance plan. There is a quarterly report that details work planned and work completed. The engineering technician gathers the data for this report. Much of the analysis of the data is performed by the engineering analyst for approval by the senior engineer.

After the engineering technician has triggered the work orders within Maximo, the resource planning specialist (disputed classification) gathers those work orders and schedules the field resources necessary for completion of the work. Once the orders are completed, they are entered into Maximo by the resource planning specialist. The engineering technician checks Maximo to ensure that work orders have been completed. The engineering technician works with the resource planning specialist in 38-12-01 (formerly 38-02-05) or 38-21-02 to make sure that the plan is completed. The engineering technician is not responsible for the actual scheduling of the various technician positions. That is the responsibility of the resource planning specialist. The interaction between the engineering technician and resource planning specialist concerns the timing of when specific maintenance functions are to be performed based on various operating conditions and the availability of production and maintenance employees, such as the substation technicians and the system relay and control technicians. The engineering technician and resource planning specialist interact regularly by e-mail and telephone. They also attend monthly coordination meetings.

In a lot of cases, obtaining outages is challenging. The engineering technician works with substation and system protection field technicians in the relay and control organizations in 38-11, 38-12, and 38-20-02, 03, and 04. These technicians are responsible for actually completing the maintenance workload. The engineering technician interacts a few times a year with field technicians in 38-11, 38-12, and 38-20-02, 03, and 04. Specifically, the engineering technician interact with the lead substation technicians, senior substation technicians, lead relay and control technicians, senior relay and control technicians and relay and control technicians. Interactions also occur with the shift substation technicians, lead shift substation technicians, and senior shift substation technicians. These interactions typically occur face-to-face in the field.

The record established that the engineering technician possesses many of the same skills that the relay and control technicians or substation technicians possess. The engineering

technician must stay current on permit, tagging, and switching procedures to understand the steps required to perform the maintenance.

The record testimony established that the applicable job description (Er. Exh. 4, #196A) contains some inaccuracies. The basic qualifications are accurate. The engineering technician classification does not have any formal degree or educational requirement. Technical work experience, however, is required. The engineering technician does not use precision vibration, acoustic or thermographic test equipment. The engineering technician does not prepare and perform hydrostatic testing. He also does not investigate the causes of vibration or lubrication problems. The engineering technician needs an ability to use various engineering drawings and diagrams, but this would not be part of his normal day-to-day activities. Basic math skills are required so that the workload required can be balanced against resources available.

The engineering technician receives the same basic safety training received by all other Department 37 employees through departmental meetings. Mr. Keefer has not received any training, other than what is reflected on Er. Exh. 291. No specific training is needed for the engineering technician position, other than the training received as a field technician. No computer courses are required to perform the job of engineering technician. Mr. Keefer's work history reflects a background in the relay and control area. The engineering analyst (excluded classification) has a similar background in this area.

The engineering technician participates in the Result Incentive Award Program. His local team goal is related to the development of the three-year plan. The local portion of the engineering technician's RIA goals are the same as those for the engineering analyst. These local team goals do not apply to the administrative aide, principal administrative assistant, or senior administrative assistant in 37-02-02. The engineering technician performs a patroller function during storm restoration efforts.

I conclude that the engineering technician in 37-02-02 is not a technical employee and that he shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. There is no degree or formal educational requirement for this position, nor is any specialized training provided. In developing the maintenance work plan, the engineering technician is guided by a senior engineer, who approves the plan. In addition, Maximo provides the general cycle on which equipment must be maintained and the maintenance that needs to be performed, and the engineering technician is further guided by various manufacturer guidelines that describe what maintenance should be performed and how to perform it. The engineering technician is qualified to perform his job based on the experience he acquired working in the field as a relay and control technician, a classification included in the BBGE-wide production and maintenance unit.

The engineering technician develops the overall maintenance program for the substation and system protection maintenance groups and therefore performs work that is functionally integrated with and necessary for maintenance employees to perform their work. The individual work orders derived from Maximo describe the maintenance steps that must be performed on each piece of equipment and are ultimately used by various substation technicians and relay and control technicians (included classifications in 14909) in Department 38 to perform the maintenance. The engineering technician has regular contact with the substation maintenance organizations. The engineering technician frequently consults with the resource planning specialists in 38-1-01 (formerly 38-02-05) and 38-21-02, whom I have included in the BGE-wide production and maintenance unit as explained below, concerning the timing and scheduling of

maintenance work and any difficulties that might arise. The engineering technician also communicates directly with the various maintenance crews in the field at the substations concerning the nature of the work to be performed and problems that may arise with the work. The engineering technician interacts with lead substation technicians and senior shift substation technicians in 38-11, lead, senior and substation technicians in 38-12, and lead and senior relay and control technicians in 38-20, all of which I have found to be production and maintenance classifications included in the unit found appropriate in 5-RC-14909.

To perform his job, the engineering technician needs to understand how maintenance work is performed and the practical challenges of performing this work in the substation venue. The engineering technician previously worked as a relay and control technician and possesses the same training and skills as the relay and control technicians that are included in the production and maintenance unit found appropriate in 5-RC-14909. The engineering technician continues to train in areas such as permit and tagging procedures and switching procedures, just like the substation and relay and control technicians. In these circumstances, I find that the engineering technician in 37-02-01 shares a community of interest with the production and maintenance employees and should be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Principal Administrative Assistant, 37-02-02
Senior Administrative Assistant, 37-02-02

The principal administrative assistants are in pay grade 28 and the senior administrative assistants are in pay grade 26. Like the administrative aide and senior administrative assistants, the principal administrative assistants are supervised by the senior engineer work leader in work group 3. The principal administrative assistants and senior administrative assistants work in the EOB about 100 percent of the time. Both classifications have flexible hours and are eligible to work a zero-forty schedule or the adjusted daily base option. Both classifications spend a majority of their time entering data into a computer.

The principal administrative assistants are primarily responsible for outage coding. They take information that is reported from the field about outages and then code that information into the customer interruption analysis (CIA) system that is used to track all customer interruptions. The principal administrative assistants examine hard copies of outage distribution service records and computer records and then complete the codes and enter them into the CIA. The principal administrative assistants use microfiche and feeder books that contain all of the circuits and grids in the system that are necessary for coding information into the CIA. The principal administrative assistants also review the preliminary information that has been placed into the customer interruption analysis record and add additional information, such as four-copy calls or switching logs, before closing out the record. The principal administrative assistant is responsible for determining which customers were affected by switching operations. To carry out this responsibility, they must have an understanding of feeder diagrams, primary maps and secondary maps in order to determine what steps in the switching process affected customers supplied by the circuit.

The principal administrative assistants have a secondary responsibility that involves gathering daily logs that record significant occurrences, such as a personal injuries or loss of service. These logs are contained in a shared computer directory. The principal administrative assistants are responsible for preparing reports of extended outages related to weather conditions

for the Public Service Commission. The coding and tracking of customer outage information is a function performed by work group 3.

The information about outages comes from service operators, overhead crew leaders, overhead mechanics or the splicing crew leader. These classifications, however, generally do not call the principal administrative assistant directly to report outages. The principal administrative assistants obtain some data from and deliver some data to system operators (excluded monthly employees) in the System Operations area. If the principal administrative assistants have questions about the four-copy call or the switching steps, they may seek clarification from service operators, the control room, or a supervisor a couple of times a month. The principal administrative assistants also interact with the distribution technicians in 36-05-02 and 03 by e-mail or phone call. This interaction occurs about once a week during the summer, and once a month during slower seasons, when interruptions occur less frequently.

The principal administrative assistants have a local RIA team goal that is specifically geared toward the timely coding of outages. As noted, the administrative aide and senior administrative assistants share this goal. The principal administrative assistants do not have storm duties.

Generally, the principal administrative assistants perform more complicated jobs than the senior administrative assistants do. The promotional career path for the senior administrative assistant is to move up to the principal administrative assistant position. The senior administrative assistants are responsible for assisting the principal administrative assistants with outage coding. The senior administrative assistants have the same responsibilities related to outage coding as the principal administrative assistants, except the senior administrative assistants are not involved with switching logs. As noted, those jobs are typically performed by a principal administrative assistant. The senior administrative assistant is also not involved with Public Service Commission notifications. The senior administrative assistants handle inquiries received from the customer reliability assurance organization concerning perceived discrepancies with data in the system.

I conclude that the principal administrative assistants and senior administrative assistants in 37-02-02 are office clerical employees and do not share a community of interest with employees in any of the units found appropriate herein. These administrative assistants work in an office area completely separate from production and maintenance employees under separate supervision and spend the majority of their time entering data into a computer. They have only occasional contact with production and maintenance employees by telephone or e-mail. They have different skills and functions than unit employees and do not regularly interchange with them. The mere fact that they process documents that are related to outages and are prepared by production and maintenance employees is not sufficient to convert them into plant clericals. Cooper Hand Tools, 328 NLRB No. 21, slip op. at 4 (1999); Weldun, Inc., 321 NLRB at 735. Although they work in the same area as the engineering technician, they have separate supervision from the engineering technician and perform clerical functions that are significantly different from the production and maintenance planning functions performed by the engineering technician. In these circumstances, I shall exclude the principal administrative assistants and senior administrative assistants in 37-02-02 from any of the units found appropriate herein. See Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Avecor, Inc., 309 NLRB 73, 75 (1992).

**Distribution Engineering & Special Studies Unit, 37-02-03, Principal Engineer,
David Lee Mills**

This unit maintains the engineering standards for the electric distribution system and analyzes and investigates abnormal operations and defective materials that are discovered in the electric system.

The parties are in dispute as to the placement of the senior distribution technician, the only weekly job classification in Unit 37-02-03. BGE contends that the senior distribution technician should be included in the BGE-wide production and maintenance unit. The Petitioner contends that this position should vote in the petitioned-for technical unit limited to the ETDD.

Senior Distribution Technician, 37-02-03

The Petitioner contends the senior distribution technician is a technical employee, just like the senior distribution technicians in 37-02-04, whom the Employer concedes are technical employees. Although the Employer contends that the senior distribution technician in 37-02-03 is not a technical employee, the Employer alternatively takes the position that the senior distribution technician should be included in the BGE-wide technical unit, should that unit be found appropriate.

The senior distribution technician in Distribution Engineering and Special Studies Unit 37-02-03, Mr. Furches, is in pay grade 31. The senior distribution technician spends three to four days a week in the lower level of the EOB where personnel in 37-02-02 are located, and he spends one day a week at the Underground Lines Building at Spring Gardens, where he analyzes sections of cable brought in by field crews. The senior distribution technician may also remove pieces of cable from the field and analyze them in the labs. The senior distribution technician shares unit supervision from the principal engineer with the engineering consultant, senior engineer, engineer, engineering analyst, and associate engineer (excluded classifications). About 20% of Mr. Furches' time is spent with engineering classifications.

The senior distribution technician works from 6:30 a.m. to 3 p.m. This schedule coincides with that of the crew leaders and mechanics in the cable-splicing and overhead area, with whom the senior distribution technician typically interacts. The engineering consultant and the senior engineer consult with field construction forces on a much more limited basis than does the senior distribution technician.

The senior distribution technician is responsible for investigating and analyzing primary (high voltage) and secondary (low voltage) underground cable faults that occur on the electric system, as well as other specific cable-related events. He spends the large majority of his time performing "post-mortem" analysis of cable faults to determine the cause of the fault. His background and expertise allow him to function as a cable fault expert. The senior distribution technician has two lab setups. He works with an electronic microscope at the EOB. He also has work space at the Spring Gardens facility in the Underground Lines Building where he analyzes primary cable faults. This work space also has microscopic equipment that enables him to look at splices of the cable. He spends about a day a week down at the Underground Lines Building investigating primary cable faults. The senior distribution technician basically dissects the splice to determine the precipitating event for the cable fault, and to analyze the integrity of the cable insulation. When the senior distribution technician has specific questions related to the field

conditions where the fault was discovered, the senior distribution technician seeks out the crew leader or mechanic to answer his questions. His investigation typically concerns such matters as the condition of the cable when it was discovered, what work was performed, and other issues concerning the cable fault.

The senior distribution technician regularly visits the field and interacts with the overhead crew leader, overhead mechanic, or underground cable splicing crew leader to determine the condition of BGE's fault-locating equipment. The senior distribution technician collects data in the field to assist in the preparation of reports that are used by engineering personnel to analyze cable reliability. The information that the senior distribution technician obtains during his investigations are used in reports to make better decisions concerning the primary cable replacement program. These reports are prepared for an engineer, senior engineer or principal engineer. The senior distribution technician also tracks and maintains information that is contained in a secondary cable-fault database. Although the senior distribution technician is trained to use fault-locating equipment in the field, he typically does not physically conduct the fault locating tests at the job sites. The overhead crew leader, overhead mechanic, cable splicing crew leader and mechanic use the same type of equipment as the senior distribution technician when carrying out their fault-locating responsibilities.

The senior distribution technician is also responsible for responding to specific events in the field such as a fire in a customer's vault. A few days a month, the senior distribution technician works in the field with an underground crew on a particular investigation related to a specific customer issue. On other occasions, the senior distribution technician telephonically interacts with overhead crew leaders and mechanics performing fault finding in the field, who need help interpreting the results. During his investigations, the senior distribution technician refers to the Construction Standards manual that shows the proper practice concerning cable splicing and cable installation.

The senior distribution technician is trained to perform splices, but generally does not perform splicing work on the electric system. Like the splicing crew leaders, cable splicers and field recorders, the senior distribution technician is trained to enter manholes and other confined spaces and wears customary protective equipment when doing so.

The senior distribution technician has limited involvement with the analysis of failed material other than cable and thus limited involvement with the testers in the equipment diagnostic and repair center. Analysis of other failed material is a small percentage of the work performed by the senior distribution technician.

There is no formal educational or specialized training requirements for the senior distribution technician classification. The senior distribution technician is qualified to perform his job because of his background and experience. With regard to experience requirements, the senior distribution technician must be familiar with the electrical distribution system. The senior distribution technician has attended annual conferences related to issues associated with cable, but is not required to attend these conferences in order to perform the functions of his job.

The record testimony established that the Employer looks for candidates for the senior distribution technician classification who have a background as either a cable splicing crew leader or cable splicing mechanic (included classifications in 14909). The Employer also looks to fill this classification from the distribution transformer tester, senior electrical tester, and electrical

tester classifications (included classifications in 14909) in the Equipment Diagnostic Repair Unit in Department 36.

The senior distribution technician serves as a patroller during storm operations. He participates in the Result Incentive Award Program. The senior distribution technician's RIA bonus is the same as that for monthly employees in 37-02-03.

I conclude that the senior distribution technician in 37-02-03 is a technical employee who shares a community of interest with other technical employees and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. The record established that the senior distribution technician in 37-02-03 is a "cable fault expert" who utilizes his expertise to perform a highly technical and critical function -- determining why faults occur on high and low voltage cables. He works with sophisticated equipment, including an electron microscope to perform his specialized analysis. Although he confers with production and maintenance employees when investigating faults in the field, he performs his actual analysis with engineers in the unit. Although he lacks the engineers' professional training, his work is of a technical nature and requires that he draw upon his experience and training to exercise independent judgment concerning the causes of cable faults on the electrical distribution system. Cf. Litton Industries of Maryland, 125 NLRB at 724-25, Western Gear Corp., 160 NLRB at 274.

Moreover, even should it be determined that the senior distribution technician in 37-02-03 is not a technical employee, I find that the senior distribution technician should be included in the BGE-wide technical unit based on community of interest criteria. He receives the same grade 31 pay as the higher paid technical employees, the same benefits, and has similar working conditions in a lab or office environment. Like other technical employees in 5-RC-14908, he performs technical functions using technical skills and specialized equipment, and his interaction with production and maintenance crew members is generally limited to collecting information that he needs to perform his specialized analysis in conjunction with engineers. In these circumstances, I shall include the senior distribution technician in 37-02-03 in the BGE-wide technical unit found appropriate in 5-RC-14908.

System Planning Unit, 37-02-04, Principal Engineer, Kenneth R. Thomas

The System Planning Unit is responsible for developing projects associated with the electric system, including plans to expand the system to handle load growth and projects to address load or voltage fluctuations. This unit works closely with the other departments within the ETDD to develop these plans.

The parties are in dispute as to the placement of the senior distribution technicians and the distribution technician in Unit 37-02-04. BGE contends that both of these classifications should vote as part of the BGE-wide production and maintenance unit. BGE has stipulated that the senior distribution technician position within this particular unit, 37-02-04, is a technical position. See Er. Exh. 403. However, BGE contends that this position shares a community of interest with the undisputed production and maintenance employees and therefore should vote as part of the BGE-wide production and maintenance unit. The Petitioner contends that both of these classifications should vote as part of the petitioned-for technical unit limited to the ETDD.

Senior Distribution Technician, 37-02-04

There are five senior distribution technicians in the System Planning Unit 37-02-04 in pay grade 31. They are supervised by senior engineer - work leader in work group 2, 3, or 4. The work groups are responsible for a different geographic area within the service territory. They work with the engineer in their work group. They spend 25 percent of their time with either the engineer or the senior engineers in their work group. The engineer covers the same geographic territory as the senior distribution technician in each work group. They report to work at the entry level of the Electric Operations Building and spend 90 percent of their time there. The other 10 percent of the time is spend in the field. They have flexible work hours.

The senior distribution technicians are responsible for developing detailed project plans for changes or additions to distribution system and substations. These plans are developed in response to actual or forecasted load growth, operating or voltage control problems, or new business customers. They are responsible for working with the distribution technician in 36-05 to develop plans for the installation of capacitors on individual feeders for voltage control requirements. Neither, the senior distribution technicians nor the distribution technicians, however, perform the actual physical work associated with the installation of capacitors.

The senior distribution technicians take into account the load that is forecasted for future years and that is developed by an engineer within the System Planning Unit. They identify areas where overload is predicted and develop plans and projects to address that overload, such as the installation of new circuit feeders or the expansion of a substation. They generate an overload report for infrastructure that is forecast for overload. They specify what actions are required to address overloads, new customer load growth, or operating concerns. Equipment capabilities are set forth in Maximo and the DMIS system. They initiate projects to construct new feeders or additional system infrastructure to transfer loads from overloaded to underloaded circuits. They perform desk estimates or preliminary estimates about the costs of alternatives for addressing an overload problem. They have access to information that indicates the standard labor rates for preparing estimates. Their primary function ends when a cost estimate has been received back and approved.

They may have occasion to interact with employees from New Business and Distribution Construction in Department 39 or from Substation and System Protection in Department 38. If there are difficulties with design or construction, they may receive a couple of calls a week during the busy construction months.

The use feeder books, primary maps, and secondary maps. They also use a study cost guide that provides some guidance for estimating costs for various functions. They use Power Point to draw or develop one-line diagrams. These diagrams reflect what the ultimate circuit configuration will look like after the project is completed. The one-line diagram is a simplified version of what changes are taking place on the system. The one-line diagrams are typically prepared by the senior distribution technician, not the engineers in 37-02-04. One-line diagrams prepared by the senior distribution technicians in 37-02-04 look similar to the drawing set forth in the upper left hand corner of Petitioner's Exhibit 106. Once the feeder is cut in and placed in service, the one-line diagram is sent over to the maps and records organization so that updated records can be issued. The senior engineer - work leader reviews the one-line diagrams for approval to ensure that they meet BGE's design and engineering standards. Once that approval is complete, the senior distribution technician includes the one-line diagrams as part of the overall

project estimate and associated paperwork that accompanies the project. The EDE handbook serves as the primary guide in terms of developing one-line diagrams. The senior distribution technicians may interact with designers or senior distribution technicians in 39-01-07 or with designers or senior engineering technicians in 38-02-03 in order to develop preliminary cost estimates. They interact by telephone a couple of times a month with the distribution tester in 36-05-02 about voltage control issues that involve capacitor bank installations on feeders. Less than 10 percent of their job, however, is spent on voltage control issues.

There is no degree requirement or formal educational requirement for the senior distribution technician. The record testimony established that the applicable job description (Er. Exh. 4, 3729A) is accurate. Thus, the senior distribution technicians must have "[e]ight years of work experience in distribution engineering, design, construction, or maintenance, or the equivalent combination of formal education/training and experience." The senior distribution technician "[p]erforms complicated technical studies to determine alternate plans provide high-quality service to system customers." Instead of simply looking at the particular circuit or substation that is involved with the overload, the senior distribution technician often looks for area-wide solutions. They work with computer outputs related to PSSu and PSSe engineering tools, although CADD is not a tool that is extensively used with System Planning. They have some experience with load flow studies. A new senior distribution technician or a new distribution technician typically receives two to three-days of orientation on construction standards for the overhead and underground system at the Arlington Training Center. They receive some specific training related to computer programs such as WMS or DMS. In general, however, their training is similar to that of other employees in the department.

The senior distribution technicians have storm duties as patrollers or in support positions for the customer information system and trouble analysis system. The senior distribution technicians participate in the Result Incentive Award Program and their local team goal focuses on the preparation and approval of project estimates. The job histories for the senior distribution technicians are set forth in Petitioner Exhibit 115 A-E.

I conclude that the senior distribution technicians in 37-02-04 are technical employees and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. They must have eight years of work experience in distribution engineering, design, construction, or maintenance, or the equivalent combination of formal education/training and experience. I note that both parties agree that the senior distribution technicians in 37-02-04 are technical employees and that the Employer takes the position they should be included in the BGE--wide technical unit, if found appropriate. The record established that the senior distribution technicians share a community of interest with the senior distribution technicians in 39-01-07, whom the parties agree are technical employees, and the senior engineering technician in 38-02-03, whom I have included in the BGE-wide technical unit as explained *infra*. They confer with these technical employees when developing their desk estimates. In addition, the record established that the designers and drafters in Departments 38 and 39, whom I have included in the BGE-wide technical unit, call upon the senior distribution technicians in 37-02-04 to transform their project plans into construction drawings and perform engineering checks on those project plans. They receive the same grade 31 pay as the higher paid technical employees, the same benefits, and have similar working conditions in an office environment where they work with engineers. Like other technical employees in 5-RC-14908, they perform technical functions using technical skills. They perform complicated technical studies to determine alternate plans to provide high-quality service to system customers. On the other hand, the senior distribution technicians do not share a community of interest with production and maintenance employees. They utilize different skills

and perform different job functions than production and maintenance employees. They work in a completely different environment. There is no evidence of any interchange with production and maintenance employees and only limited face-to-face interaction with them. In these circumstances, I shall include the senior distribution technicians in 37-02-04 in the BGE-wide technical unit found appropriate in 5-RC-14909.

Distribution Technician, 37-02-04

The distribution technician in 37-02-0, Andrew Shipley, is in pay grade 29. He is supervised by the senior engineer work leader in work group 4, who also supervises the engineer and senior distribution technicians in work group 4. The distribution technician spends almost 100 percent of his time in the EOB. The distribution technician's responsibilities are very similar to those of the senior distribution technician in 37-02-04. He must identify possible problems and overloads, formulate plans for corrective actions, and develop desk estimates. The distribution technician receives guidance from the more senior distribution technicians. He assists with work related to revenue calculations that is typically performed by a senior engineer or engineer. He supports efforts associated with load forecasting. The senior distribution technicians in 37-02-04 have a more thorough knowledge of the distribution materials than does the distribution technician.

Although there is no formal degree requirements for this position, the record testimony established that the basic job qualifications in the applicable job description (Er. Exh 4, #162A) are accurate. A basic qualification for the distribution technician classification is "[t]wo years post-high school education in engineering/technical area and over six years work experience in underground, overhead or circuit design, engineering or construction, or equivalent combination of formal education/training and experience." The distribution technician position has an EEI test requirement that requires completion of the technician occupations test. There is no distinction between the training that the senior distribution technicians receive and the training that the distribution technician receives. Typically, however, the distribution technician position is filled by employees who do not have as strong of a distribution background as the senior distribution technicians. The distribution technicians need to have a thorough familiarity with the various materials that are used on BGE's electrical distribution system, such as various types of switch gears, transformers, and conductors. The record established that the applicable job history of the distribution technician in 37-02-04 is accurate. See Pet. Exh. 116.

The distribution technician has storm duties in an ETOS or CIS support position. The distribution technician participates in the Result Incentive Award Program and has the same local goal as the senior distribution technicians.

I conclude that the distribution technician in 37-02-04, like the senior distribution technician this unit, is a technical employee and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Like the senior distribution technician in 37-02-04, whom the parties agree are technical employees, the distribution technician performs highly technical work alongside the senior distribution technicians and engineers. Although the record established that because of his relative inexperience, this employee exercises somewhat less independent judgment than the senior distribution technicians, the record also makes clear that the job responsibilities for the distribution technician are nearly identical to those of the senior distribution technicians and the distribution technician is required to have "[t]wo years post-high school education in engineering/technical area and over six years work experience in underground, overhead or circuit design, engineering or construction, or equivalent combination

of formal education/training and experience." Thus, I conclude that the distribution technician in 37-02-04, like the senior distribution technicians in 37-02-04, is a technical employee under the Act. See e.g., Waldorf, Inc., 122 NLRB at 806 (technicians recognized as technical employees because they were required to utilize a good deal of intelligence, demonstrate an ability to learn, and have background experience in circuitry).

Moreover, even should it be determined that the distribution technician is not a technical employee, I find that the distribution technician should be included in the BGE-wide technical unit based on community of interest criteria. I note that the Petitioner takes the position that the distribution technician shares a community of interest with the senior distribution technicians and the Employer takes the position that the distribution technician should be included in the BGE-wide technical unit, if found appropriate. I find that the distribution technician shares a strong community of interest with the senior distribution technicians, whom I had included in the BGE-wide technical unit, based on similar working conditions, supervision, technical skills and functions, and regular contact and interchange. See Brown & Root-Northrop, supra, 174 NLRB at 1006. In these circumstances, I shall include the distribution technician in 37-02-04 in the BGE-wide technical unit found appropriate in 5-RC-14908.

Power Quality Studies and Services Unit - 37-02-05 -- Prin. Eng., Vladimir Basch

This unit is responsible for maintaining the power quality monitoring system that is installed at Employer and customer-owned substations. This system monitors voltage levels, sources of interference with the flow of electricity, and other issues involving the reliability and quality of the electric system. The Power Quality Studies and Services Unit is also involved with troubleshooting power quality problems reported by particularly large commercial customers and customers with processes, computers or other equipment that is particularly sensitive to voltage fluctuations. When space is available, this unit will be located in the lower level of the EOB.

The Power Quality Studies and Services Unit was formed on February 1, 2000, and combines employees from various segments of BGE's divisions or former Utility Operations Group. With respect to weekly employees, a distribution tester moved from the Strategic Customer Engineering Unit 39-00-02 into Unit 37-02-05 and power quality technicians and a power quality assistant moved from the Key Accounts Technical Services Unit L2-00-07 in the Retail Services Division into Unit 37-02-05.

The Petitioner contends that the distribution tester and power quality technicians are technical employees and should be include in the petitioned-for technical unit limited to the ETDD. The Employer disagrees, but argues, alternatively, that these classifications should be included in the BGE-wide technical unit, if found appropriate. The Petitioner would exclude the power quality assistant from any appropriate unit. The Employer would include the power quality assistant in the BGE-wide production and maintenance unit.

Distribution Tester, 37-02-05

Carol Dodson, Director of the Strategic Customer Engineering Unit 39-00-02 testified that the distribution tester worked in her unit until February 1, 2000, when the distribution tester, was administratively moved from 39-00-02 into 37-02-05. She testified that the distribution tester will be performing the same functions as he did when in her unit and will continue to receive assignments from senior engineers in 39-00-02. Because office space had not yet been created at the time Ms. Dodson testified, the distribution tester had not yet been physically

relocated. The record established that once he relocates, he will be supervised by 37-02-05 Unit Director, Vladimir Baschi. At the time of the hearing, the distribution tester was supervised by both Mr. Baschi and Ms. Dodson. He typically works from 6:30 a.m. to 3:00 p.m., with flex time.

The distribution tester performs the same functions in the Power Quality Studies and Services Unit that he performed in Unit 39-00-02. Primarily, he responds to complaints of power reliability problems (e.g., momentary outages, voltage variations) made by large commercial customers. The distribution tester installs meters (e.g., amp meters, voltage meters) on “live” BGE equipment, including transformers and other equipment within substations, and downloads the information for analysis by the senior engineers. These meters measure current and voltage so that electric system events can be correlated with what happens at the customer site. The distribution tester works under the direction and guidance of a senior engineer. He installs the meters, pursuant to direction from the senior engineers in either 39-00-02 or 37-02-05 in response to a large industrial and commercial customer’s reliability complaint concerning momentary outages or voltage variations, and when a new customer with a large power demand comes on-line. This work requires a thorough knowledge of the operation of the electrical distribution system and testing equipment. In performing this work, the distribution tester wears a tool belt and uses a variety of tools and equipment, including a “hot stick,” metering equipment, screw drivers, and high and low voltage gloves. He also wears standard personal protective gear for working around electric equipment, including a hard hat, goggles, work boots, and flame-retardant clothing.

The distribution tester in 37-02-05 performs the same work and possesses the same skills as the distribution testers in the Customer Reliability Management Units 36-05-02 and 03, who are undisputed production and maintenance classifications included in 5-RC0-14909. In fact, the distribution testers from 36-05-02 and 03 sometimes fill in for the distribution tester in 37-02-05. The distinction between these positions is that the distribution tester in the Power Quality Studies and Services Unit primarily responds to problems with large commercial customers whereas the distribution testers in the Customer Reliability Management Units work with smaller businesses and residences.

The distribution tester in 37-02-05 spends approximately 50% of his time in the field. Although the senior engineers assign him work, they do not accompany him to field. About half of the time that he works in the field, he works alone. The other half of the time, he interacts with a number of undisputed production and maintenance positions. He works side-by-side with senior relay and control technicians in 38-20-02 through 04 in the substations because the meter installations the distribution tester performs are next to, and must be coordinated with, relay equipment. The distribution tester sometimes works directly on the same equipment with the distribution testers from 36-05-02 and 03. The distribution tester also works closely in substations or on other equipment with senior substation technicians in 38-12-02 through 04, with the distribution automation technician in 36-05-04, and with service operators in 36-23 through 25. The technicians and construction personnel disconnect equipment so that he can install the meters, and the service operators operate the equipment while the distribution tester uses instruments to accurately record the flow of electricity.

When not in the field, the distribution tester works in a lab area on the third floor of Front Street, testing electric equipment and calibrating meters. No other employees work in the lab. The record established that the distribution tester will also have a lab in his new location. He

shares common facilities at Front Street with the overhead crew leaders and mechanics, who report to Front Street.

The record established that no formal training or education is required for the distribution tester position. Rather, the distribution tester is able to perform his job based on his experience and on-the-job training.

I conclude that the distribution tester in 37-02-05 is not a technical employee under the Act and that he shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit. He spends most of his time working in the field attaching monitoring meters to BGE equipment or calibrating and testing the meters. When doing so he interacts or works side-by-side with production and maintenance classifications included in the BGE-wide production and maintenance unit in 5-RC-14909. The record fails to establish that his work is of a technical nature involving the use of independent judgment and the exercise of specialized training usually acquired in colleges, technical schools or specialized courses. Similarly, the record fails to establish that he shares a sufficient community of interest with technical employees in the BGE-wide technical unit. Rather, he receives the same pay and performs the same type of work under the same working conditions as distribution testers in 36-05-02 and 03, who are undisputed production and maintenance employees included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. In addition, there is temporary interchange between these classifications. In these circumstances, I shall include the distribution tester in 37-02-05 in the BGE-wide production and maintenance unit found appropriate in 14909.

Power Quality Technicians, 37-02-05

This position was moved from the Retail Services Division of the Marketing and Sales Department, effective February 1, 2000.⁵ Power quality technicians test and monitor power quality problems on the customer's side of the meter, in response to customer complaints that are relayed to them by account executives in the Retail Sales Division or that come directly to them from the customers. In dealing with customer complaints, the power quality technicians go to the customer's site, look at the equipment, listen to the complaint, and determine what they need to do. If necessary, they will attach monitoring equipment and return later to retrieve the equipment and the information it has generated.

⁵On January 18, 2000, David Widerman, Director of Key Account Technical Services, Marketing & Engineering Services Department L2-00-07, testified about the functions of the Power Quality Technicians employed in his Unit. On March 1, 2000, Section Director Brian Chappell testified about the role that he envisions the power quality technicians will play in the reorganized 37-02-05.

Within Retail Sales, the power quality technicians acted as consultants for external customers and for Constellation Energy Source. In the new Unit 37-02-05, they will provide consulting services to various units in the New Business and Distribution Construction Department concerning the types of equipment that customers should install to avoid power quality problems. They will also respond to specific problems experienced by customers serviced by the Strategic Customer Engineering Unit. To the extent that their previous consulting role was actually a sales function, the record testimony established that this sales function is being phased out with the transfer to 37-02-05.

The power quality technicians in 37-02-05 perform very similar functions to those performed by the distribution testers in the Customer Reliability Management Units 36-05-02 and 03, as well as the distribution tester in 37-02-05, both included production and maintenance classifications in 5-RC-14909. Specifically, the power quality technicians respond to power quality and reliability issues (e.g., momentary outages, voltage fluctuation) raised by customers, but do so by testing and monitoring equipment on the customer's side of the meter (e.g., transformers and service panels at the customer's site). Using the same types of tools, meters, and other equipment that are used by the distribution testers, the power quality technicians test and monitor electric equipment on the customer's side of the meter to determine what may be causing a problem. Once the power quality technicians determine the cause of the problem, they make recommendations about the steps the customer can take to resolve the problem and to make the system more resilient to power quality events.

If they determine that the problem lies on BGE's side of the meter, they call in distribution testers, and work with them to resolve the problem. Conversely, when a distribution tester, who is responding to a complaint, has been unable to locate the source of the reported problem on BGE's side of the meter, he or she will request assistance from a power quality technician to determine whether the problem lies on the customer's side of the meter. Like the distribution testers, the power quality technicians work on "live" equipment and wear the necessary safety gear to do so, including rubber gloves and eye protection.

The power quality technicians spend approximately 85-90% of the time working in the field. In performing their work, the power quality technicians regularly communicate and work directly with the distribution testers in 36-05-02 and 03, as well as the distribution tester in 37-02-05. When a customer reports a quality or reliability problem and the distribution testers cannot find any problem with the applicable BGE equipment, the distribution testers contact a power quality technician and they work together at the customer's site to diagnose the problem. The distribution tester and the power quality technician meet at the site and discuss what the distribution tester has done or observed on the BGE side of the meter. Then the power quality technician tests and monitors the customer equipment and reports the information to the distribution tester. The distribution tester remains involved with the power quality technician throughout this process. The distribution tester is ultimately responsible for addressing the customer complaint.

Power quality technicians also examine a new customer's equipment before that customer becomes part of the BGE system. In this regard, the power quality technician performs the same sort of testing and monitoring described above and reports the relevant equipment information to an engineer or principal engineer in 37-02-05 so that recommendations can be made to the customer to avoid power quality issues. In performing their work, the power quality technicians work under close guidance from engineering personnel in the same unit.

There is no formal degree requirement for this position. David Widerman, Director in Retail Sales, testified that the applicable job description (Er. Exh. 4, #798B) is accurate. In addition, Mr. Widerman described the quality power technicians as very highly skilled employees with a high-level of expertise in power quality issues.

I conclude that the power quality technicians in 37-02-05, like the distribution testers in this same unit, share a sufficient community of interest with production and maintenance employees, including the distribution testers, to be included in the BGE-wide production and maintenance unit. The power quality technicians in 37-02-05 perform very similar functions to

those performed by the distribution testers in 36-05-02 and 03, as well as the distribution tester in 37-02-05, both included production and maintenance classifications in 5-RC-14909. They spend approximately 85% of their time in the field, almost one third more time than the distribution tester in the same unit. Like the distribution testers, the power quality technicians work on live equipment and wear the necessary safety gear to do so, including rubber gloves and eye protection. They use the same types of tools, meters, and other equipment that are used by the distribution testers, to test and monitor electric equipment on the customer's side of the meter to determine what may be causing a power quality problem. The record fails to establish that they share a sufficient community of interest with technical employees in the BGE-wide technical unit. Rather, they share unit supervision and perform the same type of work under the same working conditions as distribution testers in 37-02-05, whom I have included in the BGE-wide production and maintenance unit. In addition, they perform the same type of work under the same working conditions as distribution testers in 36-05-02 and 03, whom the parties agree are production and maintenance employees included in the BGE-wide production and maintenance unit. In these circumstances, I shall include the power quality technicians in 37-02-05 in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Power Quality Assistant, 37-02-05

The power quality assistant position was also transferred from Retail Sales effective February 1, 2000. The power quality assistant in Unit 37-02-05, like the distribution tester and the power quality technicians in the same unit, is now located on the lower level of the Electric Operations Building. In Retail Sales, the power quality assistant's job was to provide administrative assistance to the power quality technicians by ordering and tracking the inventory of power quality equipment. The record testimony established that the power quality assistant will continue to perform the same tasks, except to the extent that they involve a sales function, which this unit will not be performing. Otherwise, the record testimony established that the details of the job are still being worked out because at the time of the hearing, the power quality assistant had only been on the job for three days. The record testimony established that the power quality assistant will be responsible for performing clerical and administrative duties for the supervisor, principal engineer and engineer in the unit. In addition, the power quality assistant will provide a variety of support functions for the power quality technicians, including helping to track customer reliability referrals that come in from the various distribution testers in 36-05-02 and -03.

I conclude that the power quality assistant is an office clerical employee and should be excluded from any of the units found appropriate herein. The power quality assistant has different skills and functions than unit employees. The power quality assistant reports to an office building to perform traditional clerical duties and to provide administrative support for the work of the power quality technician and professional and supervisory personnel. In these circumstances, I conclude that the record testimony is sufficient to establish that the power quality assistant does not share a community of interest with either the production and maintenance employees or technical employees and therefore I shall exclude her from any of the units found appropriate herein.

Former Safety Standards & Training Sec., 37-03-01
Former Const. Standards & Practices Unit, 37-03-03

As noted above, the parties stipulated that the old Safety, Standards and Training Section (37-03) was eliminated and the functions and most of its employees were transferred to the new Safety Standards and Training Unit (37-00-03). The classifications of distribution technician, safety specialist and senior administrative assistant were at issue in the former section. The distribution technician and senior administrative assistant classifications are discussed above in 37-00-03. The parties stipulated that the safety specialist in 37-04-03 was transferred to the Capital Construction Section Office (39-10-01) and continues to perform the same duties as in the former unit and as was presented in the hearing. The safety specialist is discussed at 39-10-01, *infra*.

Maps & Records Section, 37-05

The parties stipulated to the following paragraph: This section has been reorganized such that there is no staff in the section office and there are now three units in the section: Maps and Records Support Unit (37-05-04), Distribution Right-of-Way and Liaison Unit (37-05-0A), and Drafting Unit (37-05-0B)

Maps and Records Section Office (37-05-01)

The parties stipulated to the following paragraph:

With the exception of the Senior Administrative Assistant, who transferred to Unit 37-05-04, all employees were transferred to the Drafting Unit (37-05-0B). Unit employees still perform the same duties as in Unit 37-05-01 and as was presented during the hearing.

The Maps and Records Section is generally responsible for maintaining and updating the various map products depicting the electric, street light, and other facilities within the BGE system, distributing these products to the appropriate personnel (*e.g.*, including the construction and maintenance crews within the ETDD) and handling right-of-way agreements for the electric distribution system.

Within the Maps and Records Section, there are three job classifications at issue: drafter, senior drafter, and senior administrative assistant. BGE contends that all three classifications should vote as part of the BGE-wide production and maintenance unit. The Petitioner contends that the drafters and senior drafters should vote as part of the petitioned-for technical unit limited to the ETDD, and that the senior administrative assistant should be excluded.

Drafting Unit, 37-05-0B

Drafters, 37-05-0B (formerly 37-05-01)

Senior Drafters, 37-05-0B (formerly 37-05-01)

The drafters are in pay grade 28 and the senior drafters are in pay grade 29. The drafters and senior drafters work at Front Street in a typical office environment. They have flex time available to them. They to arrive at work sometime between 6 a.m. and 9:30 a.m. They are supervised by a senior graphic technician - work leader.

The primary responsibilities of the drafters and senior drafters include maintaining, updating and creating the maps of the electric facilities in the distribution territory. The record

established that about 50 percent of the workload of the senior drafter is exactly the same as the workload of the drafters. The remaining 50 percent of the senior drafters' work concerns managing the workload. The senior drafters work with the drafters on a daily basis. The senior drafters know which of the drafters can handle specific types of jobs. The senior drafters use performance activity reporting (PARS) to help them manage work. PARS is an access database that contains all of the outstanding work in the Section. The PARS report indicates the type of job and the grid where it is located.

The drafters and senior drafters maintain and update primary maps, secondary and subtransmission maps, property plats, manhole diagrams, installation data sheets, street light diagrams, and feeder diagrams. The maps and records unit receives "cut-ins" from field crews, usually from crew leaders. The crew leaders fax one-line diagrams to the unit that show the work performed in the field so that feeder diagrams can be updated. The unit also receives cut-ins from the distribution construction office in underground lines in Department 36. These cut-ins are usually received from the splicing crew leader in 36-06-02 or from the various crew leaders in 36-23-02 and 03. As the various construction units cut in work, they fax in the one-line diagrams. For basic cut-ins, there is generally little communication between the drafters and field crews. The drafters make the changes in the feeder diagram and then fax the diagram back to the field for what is called a fax back verification. For more complex jobs that may involve several different cut-ins, there is more communication between the crew leader and the drafter by fax or by phone. Senior drafters check the drafters' cut-in diagrams and close out the cut-ins in the PARS system. About 20 to 30 cut-ins are faxed in to the unit from the field everyday. The rest of the work that drafters receive comes in the form of an outdoor lighting job jackets or WMS job jackets.

The senior drafters have much more contact with crew leaders than drafters because they are performing more of the complex work. Because of their greater level of experience, the senior drafters also are more capable of handling special requests from system operators, overhead operators, or overhead mechanics, who have questions or want some research done on a particular device or map product. Most often the senior drafters' work is not checked because their error rate is almost zero. Since September 1999, the senior drafter position has been checking cut-ins. All other maps are verified by the senior graphic technician – work leader, except for property plats, which are checked by the cartographic technician in 39-05-04.

The drafters basically update whatever map product needs to be changed on a particular job. When updating the feeder diagrams, the drafter is usually using a pen and ink to update maps manually. The drafters have special pens filled with ink, a very small ruler that has letters for lead draw lettering, and plastic and metal templates that help them draw curves or straight lines. They use electric erasers. Some of the feeder diagrams are in microstation CADD and the drafters will use the computer to update such maps. Although CADD training is not required of the drafters, some of the drafters have taken CADD training at Catonsville Community College through BGE's educational assistance program. The record established that the CADD course was taught two or three nights a week for about 15 weeks. Both senior drafters took microstation CADD courses at Catonsville Community College. Both the drafters and senior drafters use the CADD training in the course of their duties if they work on manhole diagrams. The drafters and senior drafters sometimes receive drawings from new business design and construction that are either CADD drawings or manual manhole drawings. If the drawing is already in CADD, the drafters will update the drawing in CADD. If the drawing is not in CADD, the drafters will create a manhole drawing in CADD and make the appropriate changes.

Once the drafters are finished updating the maps, they submit the updated maps to their work leader to be checked. Thereafter the maps are placed in a staging or holding area until the senior administrative assistants send them out for printing and distribution.

About two or three times a year, the drafters perform visual field checks to verify company numbers on each individual piece of equipment. When in the field, they wear protective gear, i.e., a hard hat, safety glasses and hard-toed shoes. The drafters may call on the field recorders in 39-01-07 if the drafters need assistance opening up equipment. The drafters are not allowed to open up any equipment. Overhead crew leaders, mechanics and the service operators also help the drafters obtain equipment numbers. Drafters sometimes directly contact the overhead mechanic, overhead crew leader or service operator by phone. On rare occasions, the drafters become involved at the front end of a project. On these occasions, they meet on site with the senior distribution technician or project design coordinator and members of a project team to ensure that the map and records package is revised expeditiously.

The drafters and senior drafters participate in the RIA program. All of the drafters and senior drafters have the same local team goal. The drafters are required to work during emergencies. Most of the drafters are patrollers in training during storm restoration. Others perform ETOS analysis at the service centers or CIS analysis at the EOB. The senior drafters also have storm duties.

The drafters and senior drafters need to understand connectivity and the different size devices on the system. The drafters gain that knowledge from experience, peer training and on-the-job instruction from their work leader. They also must learn the drafting methods and symbology that is used to update the map products. They must have a valid driver's license. The drafters and senior drafters receive the same standard departmental training.

The record testimony established that the applicable job description for drafters (Er. Exh. 4, #688B) is accurate. Thus, the drafters must have one year of post-high school education or training in drafting, algebra, geometry or equivalent combination of formal education/training in experience. They must also have a demonstrated ability to perform the functions of drawing and revising maps of electric facilities according to standards of the Department, plus an ability to make special drawings or displays. They must have the ability to use personal computers, associated software, and mainframe applications. They must also satisfactorily complete the Technician Occupations Selection System Test (TOSST).

Although there is no formal degree requirement, the senior drafter must have four years of experience in a responsible design/drafting position, including satisfactory completion of post-high school courses in engineering, mathematics or physical sciences, or the equivalent combination of formal education/training and experience. The record testimony established that their knowledge base is broad and deep.

The record testimony also established that the job summary for the senior drafters in the applicable job description (Er. Exh. 4, #731A, revised 6/30/99) is generally accurate. Thus, they perform administrative duties requiring judgment, analysis and interpretation of technical details. They also perform activities that may include monitoring and analyzing design criteria to recommend corrective action to insure the integrity of records and map products; processing technical reports, drawings, and map records; applying expertise to resolve drafting design and record problems involving substations, equipment, circuits, and electric transmission and

distribution systems; and interpreting, explaining and solving problems related to technical, procedural and policy issues.

Based on the foregoing, I conclude that the drafters and senior drafters in 36-05-01 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. The drafters must have one year of post-high school education or training in drafting, algebra, and geometry, or an equivalent combination of formal education/training and experience. The senior drafters must have over four years of experience in a responsible design/drafting position including satisfactory completion of post-high school courses in engineering, mathematics or physical sciences. They work independently with little supervision and exercise independent judgement to create detailed engineering drawings, often with special CADD or computer training. In these circumstances, I conclude that the designers and senior drafters in 37-05-01 are technical employees under the Act. Western Gear Corp., 160 NLRB at 274; Allis-Chalmers, 128 NLRB at 89; Waldorf, Inc., 122 NLRB at 805; National Gypsum Co., 116 NLRB at 1009.

Even if it should be determined that that designers and senior drafters in 37-05-01 are not technical employees, I conclude that they perform work of a technical nature and share a close community of interest with other technical employees, including cartographic technicians, designers, drafters, and service planners, such that they should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006. I note that the drafters and senior drafters perform drafting functions and utilize drafting skills that are distinct from the functions and skills of production and maintenance employees. They work under completely different working conditions from production and maintenance employees, often at drafting tables, using rulers, templates, electric erasers, and CADD, much like the other design personnel throughout BGE, whom I have found to be technical employees properly included in 5-RC-14908. They possess similar training to that possessed by these other technical employees. In these circumstances, I shall include the designers and senior drafters in 37-05-0B (formerly 37-05-01) in the BGE-wide technical unit with other technical classifications that perform similar drafting or design work throughout BGE.

Senior Administrative Assistant, formerly 37-05-01

The parties stipulated that this classification transferred to 37-05-04 and still performs the same duties as in Unit 37-05-01 and as was presented at the hearing.

This classification is discussed below in 37-05-04.

Maps & Records Support Unit, 37-05-04 – Supervisor, James Soukup

The Maps and Records Support Unit receives information from the Distribution Right-of-Way and Liaison Unit 37-05-0A, copies that information, packages it, and distributes it to internal BGE customers. When the drafters update the maps, the maps are staged in this unit. This unit collects the maps and ensures that they are delivered to the printing and photographic imaging organization. This unit also distributes the aperture cards of the updated maps.

The parties are in dispute as to the placement of the cartographic technicians, senior administrative assistants, and administrative aide. The Petitioner contends that the cartographic technicians should vote in the petitioned-for technical unit limited to the ETDD and that the other classifications should be excluded. BGE has stipulated that the cartographic technicians are

technical employees but contends that they should vote as part of the BGE-wide production and maintenance unit. BGE contends that the senior administrative assistants and the administrative aide should vote as part of the BGE-wide production and maintenance unit.

After the close of the hearing, the parties stipulated to the following two paragraphs:

The Senior Administrative Assistant who transferred from Unit 37-05-01 to this unit performs the same functions as was described at the hearing for Senior Administrative Assistant Nancy Thomas-Bauer in Unit 37-05-04.

Three additional Senior Administrative Assistants were transferred from this unit to Field Support Assistants in Units 39-11-03, ARLENE E. WHITE, and 39-10-02, NANCY C. THOMAS-BAUER, and one, JOAN M. MARKER, was transferred to a Senior Administrative Assistant position in Unit 39-02-02.

The three administrative assistants who were transferred from this unit to Department 39 are discussed in Department 39, *infra*.

Senior Administrative Assistant, 37-05-04 (formerly 37-05-01)

As noted, the parties stipulated that the senior administrative assistant who transferred from Unit 37-05-01 to this unit performs the same functions as was described at the hearing for Senior Administrative Assistant Nancy Thomas-Bauer in Unit 37-05-04. The record established that senior administrative assistant, Nancy Thomas Bauer, who transferred to 39-10-02 formerly performed performs the document management function for 37-05-04. She was primarily responsible for collection, preparation and distribution of all the feeder diagrams. She also was responsible for inputting information into PARS, the performance activity reporting system. She received the job jackets from the construction service centers and inputted data from them into PARS. She stacked up the job jackets for the administrative aide. She also was responsible for processing requests from outside contractors for copies of BGE maps. She had direct contact and discussion with any person on the distribution lists who had not received an accurate mailing of the feeder diagrams. She fielded these types of calls two or three times a week. She was an alternate backup to the outside contractor that performed the microfilm distribution. Most of Ms. Bauer's time was spent collecting and distributing the feeder documents. She visited the work leader or a senior drafter in 37-05-01 to pick them up. She brought them over to her unit, made copies for the distribution list, and put mailing labels on them. Ms. Bauer and the other senior administrative assistants in 37-05-04 received the same safety training as the cartographic technicians. Ms. Bauer's RIA local program goals relate to the auditing of feeder diagrams.

I conclude that the senior administrative assistant whom the parties stipulated was transferred from 37-05-01 to 37-05-04 and performs the same duties as Ms. Bauer is an office clerical employee and should be excluded from any of the units found appropriate herein. Based on the parties stipulation, this senior administrative assistant has different skills and functions than production and maintenance employees or technical employees. This senior administrative assistant spends nearly all work time in a typical office environment, performing duties traditionally associated with office clerical employees. There is no evidence that this senior administrative assistant has any significant interaction or interchange with production and maintenance or technical employees. Therefore, I shall exclude the senior administrative assistant, whom the parties stipulated was transferred from 37-05-01 to 37-05-04 and performs the same duties as Ms. Bauer, from any of the units found appropriate herein. *Mitchellace, Inc.*, 314 NLRB at 536; *Cooper Hand Tools*, 328 NLRB No. 21, slip op. at 4 (fact that clerical handles documents that will be used by production and maintenance employees does not convert her into

plant clerical); Weldun, Inc., 321 NLRB at 735; Continuous Curve Contact Lenses, 236 NLRB at 1330.

Administrative Aide, 37-05-04
Senior Administrative Assistant, 37-05-04

BGE would include, and Petitioner would exclude, these classifications from the BGE-wide production and maintenance unit.

Jim Kearney is the administrative aide in pay grade 22. He is supervised by the senior graphic technician - work leader in work group 3, who also supervises the senior administrative assistants. He sits on the fourth floor of Front Street, about 20 feet from Supervisor Soukup. He is responsible for distributing the mail and collecting feeder diagrams from the work leaders or senior drafters. He pulls original maps that are sent to microfilm. He also makes copies of the "as built." He receives preliminary prints that are released from the service planner or designer. He sorts them into district and WMS numbers and files them for senior drafters and work leaders in 37-05-01. He delivers the mail on a daily basis for the work leaders or senior drafters. The administrative aide receives the same safety training that the other administrative assistants receive. He does not have storm duties. He participates in the RIA program and has a separate local goal related to audits of the map aperture cards.

At the time of the hearing, there were five senior administrative assistants in pay grade 26. As noted, apart from the stipulation regarding the senior administrative assistant who transferred from 37-05-01 to 37-05-04, which was discussed above, the parties stipulated to the following paragraph:

Three additional Senior Administrative Assistants were transferred from this unit to Field Support Assistants in Units 39-11-03, ARLENE E. WHITE, and 39-10-02, NANCY C. THOMAS-BAUER, and one, JOAN M. MARKER, was transferred to a Senior Administrative Assistant position in Unit 39-02-02.

I have found, *infra* when discussing Department 39, that the field support assistants in 39-11-03 should be included in the BGE-wide production and maintenance unit. I have found, *infra*, that the field support assistants in 39-10-02 and the senior administrative assistants in 39-02-02 are office clerical employees who should be excluded from any of the units found appropriate herein. I treat the three senior administrative assistants transferred from 37-05-04 to 39-11-03, 39-12-02 and 39-02-02 the same as I have treated the classifications in these units to which they have transferred.

The senior administrative assistants remaining in 37-05-04 typically spend 90 percent of their time in the Front Street Office area. They have flex time. They ensure that the electronic data and hard copy records of all the electric facilities are in order. They were formerly called the distribution facilities analyzers. The senior administrative assistants have storm duties as CIS analysts. All of the senior administrative assistants participate in the RIA program, but have separate local goals.

Joe Spinoso and Brunsie Carrington are the two senior administrative assistants remaining in 37-05-04 who are responsible for maintaining the accuracy of data concerning equipment and facilities in DMIS through equipment tags that are received from the field after the equipment is installed. Spinoso and Carrington receive the tag numbers by company mail. They

look at the information on the tag and apply it to the history file in DMIS. If the history file tells them that something already exists at that location, then there is a problem. They have to do research to find out what equipment already is present in the field. They either call the construction crew or perform field checks. They usually call the construction crew to resolve the tag issue. This occurs about 3-5 times a week. They do field checks an average of once a week or about 50 times a year. They go by themselves and do a visual check. They do not open any equipment. They are looking for company numbers on equipment and where the equipment is located. They wear the standard protective equipment when in the field. They interact with the equipment and diagnostic repair organization. When electrical testers in 36-05-04 inspect the equipment and find a discrepancy, they call the senior administrative assistants (Brunsie Carrington or Joe Spinoso) to help reconcile records. This happens about 50 times a year. When they receive a question from electrical testers in 36-05-04, the contact is typically by phone. These two senior administrative assistants must be familiar with the size and configuration of the equipment, the application of the equipment, and the installation location. They correct DMIS information on a daily basis. They transcribe this information into an Access data base and make an Excel report. They have an RIA goal to reduce the number of DMIS errors.

I conclude that the senior administrative assistants and administrative aide in 37-05-04 are office clerical employees, who should be excluded from any of the units found appropriate herein. They have different skills and functions than production and maintenance employees or technical employees. They spend nearly all of their time in a typical office environment, performing record keeping duties traditionally associated with clerical employees. There is no evidence that they have any significant interaction or interchange with production and maintenance employees. In these circumstances, I shall exclude the senior administrative assistants and administrative aide in 37-05-04 from any of the units found appropriate herein.

Cartographic Technician, 37-05-04

The two cartographic technicians, Mr. Boer and Mr. Hockenbrock, are in pay grade 30. They are supervised by the unit supervisor. Cartographic technicians spend 90 percent of their time in the Front Street Office area. They have flex time.

The cartographic technicians are primarily responsible for the timely and accurate update of the maps of the BGE electric territory that covers the topography and geography of the land base. Er. Exhs. 36 and 50 are examples of maps that were prepared by the cartographic technicians. They are responsible for any special maps requested from any internal client. They also maintain system maps, storm maps, grid books, and tax maps. The cartographic technicians provide reports for tax accounting on the retirement of facilities such as cable and wire. They are responsible for correcting any boundary line changes in different municipalities on BGE maps. They make sure that the BGE grid system is overlaid accurately on the ADC maps.

The cartographic technicians use aerial photography property plats and geodetic surveys and a variety of other resources to make sure that the proper scale is applied to secondary maps that are used by the drafters to plot electric facilities. The cartographic technician is the only classification person in BGE that ensures the accuracy and scale of electric service area maps. The cartographic technician verifies that the drafter has drawn the correct property boundary lines on the secondary maps according to drafting standards or manuals. They ensure that the symbology is accurately reflected on maps. The cartographic technicians have to transpose and transcribe from an incoming plat to an existing map by figuring dimensions and areas. They determine whether or not the new work that they are receiving has the proper scale. The

cartographic technicians make new maps when necessary, although more of their time is spent amending an existing map to apply new property lines or boundary changes.

Last year, there were about 40 special requests handled by the cartographic technicians. For example, a typical special request would involve gathering existing maps or documents and customizing or revising them by adding or deleting material. The special requests take anywhere from two hours to 40 hours to prepare. They customize current maps. Work that results in the creation of a new record is likely to be prepared electronically by CADD Microstation application, rather than manually through manipulation of an existing map.

The cartographic technicians use a tool called a scaling wheel, i.e., a little device that can run off dimensions and distances. The cartographic technicians use other tools that help them measure the area of boundaries to scale. The cartographic technicians need to have basic math skills. They must be able to use judgment and reasoning, interpret engineering drawings and site plans, and calculate dimensions. They are experts, who work independently with a significant amount of autonomy. They pursue a path of self-development and keep themselves current in their skill set through on-the-job development and industry literature. Mr. Hockenbrock attended an AM/FM GIS (automated mapping facilities management) seminar about three years ago.

The permission specialists in 37-05-0A send property plat work to the cartographic technicians when new construction is pending. The cartographic technicians visit the field to assist construction personnel with some planning functions for prioritizing large projects like amusement parks. During large projects, they may visit the field three times a week over a period of a month or six weeks. The cartographic technicians receive standard departmental safety training.

The cartographic technicians have expertise in CADD and coordinate division activities relating to standardized processes for creating drawings and introducing new symbology. The cartographic technicians interpret claims and solve problems relating to technical and procedural issues.

The cartographic technicians perform a patroller function during storms. The cartographic technicians participate in the Results Incentive Award program. They have a distinct local team goal concerning the timely completion of special requests.

Both parties have stipulated that the cartographic technicians are technical employees under the Act. I find that the record testimony supports their stipulation. I conclude that the cartographic technicians in 37-05-04 should be included in the BGE-wide technical unit found appropriate in 5-RC-14908 and excluded from the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. I note that there is little evidence of interaction with production and maintenance employees and no evidence of interchange. The cartographic technicians have different skills than, and perform different functions from, production and maintenance employees. They use technical skills and tools that are comparable to those used by designers and drafters and they work under conditions comparable to other design and technical employees who also use CADD and are included in 5-RC-14908. In addition, they check the work of drafters in the maps and records section, whom I have included in the BGE-wide technical unit. In these circumstances, I shall include the cartographic technicians in the BGE-wide technical unit found appropriate in 5-RC-14908.

Distribution R/W and Liaison Unit, 37-05-0A – Supervisor, J. Guy Manfuso

The distribution right of way and liaison unit acts to ensure that BGE has proper legal rights to place its equipment on private or public property, and acts as a liaison with certain government agencies. The parties are in dispute as to the placement of the permission specialists and the principal administrative assistants in this unit. BGE contends that both of these classifications should vote as part of the BGE-wide production and maintenance unit. The Petitioner contends that the permission specialists should vote as part of the petitioned-for technical unit limited to the ETDD and that the principal administrative assistants should be excluded.

Permission Specialist, 37-05-0A

There are five permission specialists in pay grade 29. Three are located at the Dorsey office: Donna Fordyce, Sandy Sasser and Elizabeth Staniewski. One, Dan Stephens, splits time between Dorsey and Front Street. The other permission specialists, Donna Mathieu, is at Spring Gardens where the Gas Distribution Division is headquartered. The permission specialists work flexible hours. The permission specialists at Dorsey and Front Office work in a typical office environment. The permission specialists at Front Street work on the second floor. The permission specialist at Spring Gardens works in a mobile office environment. She is matrixed to the Gas Distribution Division. She works for the New Business Gas Design Unit M2-05-02 and the Gas Project Design Unit M2-05-05. Her work leader is actually located in 37-05-0A at the Dorsey office. The Gas Distribution Division's budget is charged for her time.

The permission specialists ensure that BGE has the proper property rights for facilities that it places on the system. When necessary, they prepare documentation using standard forms to acquire easements for facilities that are being placed on private property. The permission specialists are involved with reviewing essentially every construction job. These projects come both from the Gas Distribution Division (Units M2-05-05 and-02) and the New Business and Distribution Construction Department 39. The permission specialists act as consultants for the project design coordinator, gas distribution designers and the assistant gas distribution designer in M2-05-05; for the service planners in 39-01-04 and 05; for the senior distribution designer, project design coordinator, distribution designer and assistant distribution designer in 39-01-07; and for the distribution designer in 36-05-02 and 03. As explained herein, I have found that all of these classifications are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908.

Typically, designers approach the permission specialist with a proposed job to be done. The permission specialist and designer go over various documentation, including secondary maps, primary maps and sketches to determine whether BGE has the right to place the facilities where they need to be placed. If the facilities are being relocated, the permission specialist looks to see if BGE has existing rights for those facilities to determine whether BGE could charge the customer for the relocation of the facilities. Upon reviewing the documentation, the permission specialist advises the designers or service planners concerning property rights. The permission specialists look at the secondary maps to determine if the proposed facilities cross properties that are not associated with the job or with the Company Service Tariff that is filed with the Public Service Commission. They consult with designers about easements. When consulting with the designers, the permission specialists may suggest routes for the facilities to be installed. They may also suggest that the designer change the design and place the facilities in a different location

because of difficulties in obtaining easements or rights-of-way. They will prepare right-of-way agreements or blanket development agreements so that BGE will have easements prior to completion of the design. The permission specialists receive a variety of property plats from the different government agencies. They go through them and look for the subdivisions that BGE desire to obtain easements for. This constitutes about 10 percent of their work.

The permission specialists frequently visit the field with the designers to meet with the property owner and the construction crew to explain BGE rights. The designer is definitely involved in this process because it is part of their function to make sure that the job is designed and constructed on time and within budget. The permission specialists talk to the construction crew to find out if they are installing facilities where they are intended to be installed. They explain the installation to the property owner. This happens about a half dozen times a year for each permission specialist.

The permission specialists are also out in the field on other occasions to obtain permission from the property owner. They could also be in the field in response to customer complaints about BGE's contractors encroaching on a customer's property. Permission specialists spend about 40 percent of their time in the field and 60 percent of their time in the office. Only a small percentage of the time that a permission specialist spends in the field is actually spent talking to customers. If they are going on a construction site, they wear protective gear.

Permission specialists have general knowledge of equipment. They must be able to read the prints and the design drawings prepared by the designers. The permission specialists prepare standard right-of-way agreements on various forms that note the city or county that the easement is going to be obtained in and the location of the equipment. The Distribution Right-of-Way and Liaison Unit also has tax records that the permission specialists use. They also use WMS and CIS.

The permission specialists attend quarterly department safety meetings. They must have driver training. The permission specialists may have storm duties as patrollers. They spend a minimal amount of time quoting charges for repair of private lines damaged during storms. The permission specialists participate in the RIA program. They had two local goals for 1999. One of them was related to resolving outstanding easement agreements. The other concerned the release of jobs on time and within budget, much like the goal for the designers.

Some of the permission specialists receive training conducted by the International Right of Way Association about once a year for a day or two. The Company pays for the permission specialists' dues to the International Right of Way Association and for the IRWA seminars that they attend.

The record testimony established that the applicable job description (Er. Exh. 4, # 150B) is accurate. Thus, the permission specialists are required to have "[o]ver four years work related experience including some customer contact work in negotiations and successful completion of one year post-high school courses (e.g., Business Law, Real Estate Law, Real Estate Management, Business Management, Public Speaking, Business Writing) or equivalent combination of formal education/training in experience." In addition, the permission specialists must have the ability to interpret BGE policies and procedures (e.g., Service Tariffs, Standard Practices); interpret and research plan records in regional government facilities; prepare legal documents relating to utility right-of-way agreements; and interpret engineering and construction drawings.

I conclude that the permission specialists in 37-05-0A are technical employees who should be included in the BGE-wide technical unit found appropriate herein. Their work is of a technical nature involving the use of independent judgment and the exercise of specialized training and experience concerning real property, rights-of-way and easements. They exercise independent judgment when consulting with the designers to determine the proper easements to seek. Cf. Western Gear Corp., 160 NLRB at 274; Allis-Chalmers, 128 NLRB at 89; Waldorf, Inc., 122 NLRB at 805-06; and National Gypsum Co., 116 NLRB at 1009. Even if it should be determined that the permission specialists are not technical employees, I conclude that they perform work of a technical nature and share a sufficiently close community of interest with the designers and other technical employees throughout BGE to be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006. In this regard, they act as consultants to many other classifications that I have found to be made up of technical employees throughout BGE, such as project design coordinator, gas distribution designers and the assistant gas distribution designer in M2-05-05; service planners in 39-01-04 and 05; senior distribution designer, project design coordinator, distribution designer and assistant distribution designer in 39-01-07; and distribution designer in 36-05-02 and 03. They have comparable pay grades and the same benefits as these technical employees. They interpret engineering and construction drawings, and they work under similar conditions. Moreover, I find that they perform distinctly different functions than production and maintenance employees, and have infrequent contact and no interchange with them. In these circumstances, I shall include the permission specialists in the BGE-wide technical unit found appropriate in 5-RC-14908.

Principal Administrative Assistant, 37-05-0A

The two principal administrative assistants in 37-05-0A are in pay grade 28. They spend about 100% of their time in their office on the third floor of the Front Street building, where they work flex time. They are separately supervised from the permission specialists.

They receive requests from designers and service planners inquiring about what rights BGE has regarding certain facilities. These requests come in by fax or phone. They review easement documentation to determine what existing rights BGE has. They receive about six or seven faxes a day, and keep a log of all requests. When the principal administrative assistants receive a request, the first thing they do is check the utility pole records. They look up the pole number and then take that location to that card file. From the card file they get a right-of-way file number. They pull out the file and go through the easement agreements to see if they can find something that matches up with that location. About 70 percent of their time is with existing easements. They would then get back to the designer or permission specialist, usually by e-mail or phone call, with an answer about whether the easement covered the work.

They are also involved with processing new easements that come in. They do some ordering of supplies and make payments on bills or leases. The principal administrative assistants receive invoices from railroads and some governmental agencies for the leases that BGE has. They pay the invoices through special check requests.

The principal administrative assistants receive departmental safety training. They have storm duties as patrollers. They participate in the RIA program. Their local goal is to have a blanket permit and agency notification manual completed. They handle some of the clerical functions of assembling and distributing that manual. In 1996, the principal administrative

assistants were right-of-way analyzers and the Regional Director excluded them from the bargaining unit as office clericals. See Er. Exh. 9C at 5-41.

I conclude that the principal administrative assistants are office clerical employees who spend the majority of their time searching records to determine whether BGE has easements that permit the designers to place facilities and equipment in particular locations. They spend all of their time performing traditional clerical tasks in an office environment. The record contains no evidence of any contact or interchange between the principal administrative assistants and the employees that I have included in the BGE-wide production and maintenance unit in 5-RC-14909. Moreover, even though they have routine contact with technical employees, they do not share a community of interest with the technical employees due to the differences in the nature of their skills and functions, the absence of complexity in their work, and their separate supervision. See United Shoe Corp., 185 NLRB at 201 (despite routine contact, clericals share no community of interest with technicals due to difference in training and complexity of work). In these circumstances, I shall exclude the principal administrative assistants in 37-05-0A from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

System Operations Master Section, 37-10-01 – Director, John Moraski

The Systems Operations Master Section is responsible for operating, monitoring and controlling BGE's Distribution and Bulk Power electrical systems. All of the employees in disputed classifications in this Master Section work in the secured area of the Electric Office Building.

The Outage Management Unit 37-10-02, under supervisor Mike Butts, is responsible for accepting outage requests that are generated by the field. The parties stipulated that the operations computer specialists in 37-10-02 were transferred from Unit 37-10-04 and perform the same sort of duties as in the former organization and as was presented during the hearing.

The parties stipulated that the Operations Engineering Unit (37-10-03) was deleted. The parties stipulated that the former unit contained two positions in dispute, the senior engineering technician and the senior administrative assistant. The parties stipulated that the senior engineering technician position was vacant during the hearing and that position has been eliminated. The parties stipulated that the senior administrative assistant, Helen S. Charles, was transferred to Unit 38-13-01. The parties stipulated that the Employer does not seek this position in any voting unit.

The parties stipulated that the Operating Computer Systems Unit (37-10-04) was deleted. The parties stipulated that the former unit contained two positions in dispute, the engineering technician and the operations computer specialist. The parties stipulated that the engineering technician position was transferred to 37-12-01 and the operations computer specialists were transferred to Unit 37-10-02. The parties stipulated that the employees in these positions continue to perform the same duties as they did in Unit 37-10-04 and as was presented during the hearing.

Outage Management Unit, 37-10-02 – Sup., Michael Butts

The outage management unit is responsible for arranging all the planned equipment outages for the bulk power transmission substation and distribution system. This unit receives outage requests from the various construction, maintenance, and operations groups within the

ETDD and coordinates planned equipment outages for the substation, transmission, and distribution system. The parties are in dispute as to the placement of the outage schedulers in this unit. BGE contends that this classification should vote as part of the BGE-wide production and maintenance unit. The Petitioner contends that the outage schedulers should vote in the petitioned-for technical unit limited to the ETDD.

Outage Scheduler, 37-10-02

There are eight outage schedulers in pay grade 30. They are supervised by the senior outage analyst work leader. The only other classification in this unit is the system operations analyst, an excluded monthly employee. Two of the outage schedulers, Louis Dodson and Roberta Snowden, are focused on bulk power work, i.e., primarily transmission substation work. Six of the outage schedulers are focused on distribution work for distribution substations and circuits. All outage schedulers have a flexible work schedule. Typically they work 7 a.m. to 3:30 p.m. The outage schedulers do not perform the physical work that is done during an outage. They spend most of their time in the secure area of the EOB.

The **bulk power** schedulers typically receive outage requests electronically through the Outage Scheduling Coordination and Record (Oscar) system in the Maximo database from construction organizations that want to do either maintenance or construction work in transmission or substation facilities. They review what equipment needs to be taken out of service to make sure that other equipment is not overloaded or that voltage problems do not arise. Within the energy control system, the outage scheduler performs mathematical calculations to see if they are overloading equipment, i.e., a limit check. They work with the operations engineer and the engineering analyst in 37-10-04 to verify that the outage is not going to jeopardize the integrity of the bulk power systems. Various types of information that the outage schedulers are looking at to determine whether an outage is appropriate are already stored in ECS, such as ratings, loads and temperatures. They apply guidelines about how to utilize that information.

In the Transmission Engineering Construction and Maintenance Section 36-01-01, the resource planning specialists in 36-01-02 issue the outage requests for transmission work. In the Substation Operation and Maintenance Analysis Unit 38-02-05, the resource planning specialists also issue outage requests from Maximo. Within the Substation Operations and Maintenance Section 38-12-01, the lead substation technicians issue outage requests through Maximo. In the Substation Construction Section 38-13-01, substation crew leaders issue outage requests through Maximo. In the Analysis and Support Unit 38-21-02, a resource planning specialist issues outage requests in Maximo.

Employer Exhibit 325 represents an outage request form that is available on the computer screen through the computer application Maximo. Every employee that submits an outage request fills out this form and sends it electronically to the outage scheduler. The outage schedulers take various requests from different organizations and tries to combine the work on the same outage. This requires a lot of phone contact with resource planning specialists, lead substation technicians, substation crew leaders, relay control technicians and transmission crew leaders. Coordination of outages occurs on a daily basis. The outage schedulers through their review of the outage requests are using their judgment to determine whether certain jobs can be coordinated. Meetings are held about every week at the EOB with supervisors, resource planning specialists, and lead substation technicians. If questions arise about a particular outage request, the distribution outage scheduler will talk directly to the overhead crew leader or the splicing

crew leader or a service operator. The distribution outage scheduler will answer several questions daily.

The outage schedulers are part of a team called the outage review team that meet on a daily basis to talk about outages that are scheduled two or three days in advance in the bulk power system. The team consists of the supervisor of the outage management unit, the outage schedulers, the senior outage analyst from 37-10-02, the system operations analyst from 37-10-02, an account representative (excluded classification), an energy services technician (disputed classification), a representative from L2-00-07, and an engineering analyst from 38-02-05. This team analyzes the jobs to make sure that outages do not conflict with one another or put the system or customer at risk. The daily outage review meetings that are attended by the bulk power outage schedulers, the account representatives, and the energy service technicians last 30 to 45 minutes a day.

When the bulk power outage schedulers perform their work on an outage request, they use Maximo, substation equipment diagrams and substation switching instructions. Outage schedulers sit outside of the distribution control room within the secured area, 20 feet from the control room. The outage schedulers process various forms that are sent over to the control room. They also contact PJM to make sure that whatever outages are requested do not impact the PJM interconnection system.

In addition to transmission work, substation work, and relay work, they also get requests from generation to take circuits out of service every few days. The record established that these requests are analogous to requests from Bethlehem Steel or General Motors or some other large industrial customers. They send over to the control room, daily scheduled worksheets that represent the work that needs to get done for the following day and the switching resources that are needed. They also have direct customer contact with some of the larger customers on the system. They negotiate and coordinate with these customers to make sure that outages do not adversely impact those customers. If there is a conflict, they negotiate with the customer and the outage requestor to reschedule the outage.

The outage schedulers make sure that "do not operate" permits are filled out when equipment is taken out of service. When a crew has requested ground locations at certain spots, the outage schedulers are responsible for obtaining the correct ground locations to make the job safe. Bulk power outage schedulers rarely go out into the field themselves. Once the outage request is processed, the outage schedulers do not typically have any contact with the individuals performing the work.

The outage schedulers have typically come from senior shift substation technician positions in which they performed switching operations inside substations. Some have also had switching experience in generation equipment. The outage schedulers must be familiar with permit and tagging procedures.

The **distribution outage schedulers** receive outage requests from the forester (excluded classification) in the Forestry and Right-of-Way Management Unit. Within Customer Reliability Management Units 36-05-02 and 36-05-03, distribution outage schedulers receive outage requests from the distribution technician. Within the Equipment Diagnostic and Repair Center Unit 36-05-04, the schedulers receive outage requests from the distribution transmission tester. Within the Distribution Construction Underground Lines Section 36-06-01, the schedulers receive most outage requests from supervisors and some from the splicing crew leaders. They also receive

requests from overhead crew leaders in 36-23, 36-24, 36-25 and 36-26, but most requests come from the supervisors of these units. Within the Distribution Construction Section 39-11-02, the outage schedulers receive requests from the meter inspectors, overhead crew leaders and most frequently from supervisors.

All outage requests are received through Maximo via an outage request form. The distribution outage schedulers create a workbook that lists the switching steps needed to implement the outage. With respect to the writing of switching instructions, the distribution outage schedulers use feeder load diagrams and information contained with the DMIS system. They type the switching instructions step by step into the Oscar system. They are relying on their expertise to determine the correct and safe way for the switching to be performed and to use the fewest switching steps possible. These determinations are made in conjunction with the standards that are written about the design of the system.

Distribution outage schedulers work with the requestor organizations to schedule outage work at the same time to limit the customer risk and impact to the distribution system. Once the distribution outage schedulers pass along the switching steps to the control room, they either fax or e-mail it directly to the supervisor of distribution field organizations, who are switching the circuits out. Distribution schedulers utilize DMIS, customer notification databases, Oscar/Maximo, ECS, ETOS, feeder load diagrams, and substation switching instructions.

The bulk power outage schedulers do not take customers out of service. They only take equipment out of service. The distribution outage schedulers take both customers and equipment out of service. They provide a letter to all customers, notifying them about the length of the service outage. The distribution outage schedulers also work with the key accounts representatives and the account representatives in marketing and energy services to notify larger customers of potential outages. Typically, on the bulk power side, the account representative or the energy services representative will perform a customer notification function for the bulk outage schedulers.

The bulk power outage schedulers have storm duties as manpower coordinators. The distribution outage schedulers do not have specific storm assignments, but they occasionally provide support to backup service dispatchers and to assist system operators. All outage schedulers receive departmental safety training. The outage schedulers participate in the result incentive award program. They have two local goals: to reduce switching incidents and to coordinate outages. The switching incident goal is also shared by the system operators. All of the RIA local team goals are shared by all classifications in the outage management group.

There is no degree requirement or any post high school educational requirement for the bulk outage scheduler position. The job description requires six years of operating experience on the electrical system. On the **distribution side**, an outage scheduler is required to have six years experience operating the electric distribution system, typically as a service operator, and must have detailed knowledge of equipment materials. On the **bulk power** side, the outage scheduler needs six years experience as a senior shift substation technician or as an operator in the generator plant. Both kinds of outage schedulers must have a thorough understanding of the equipment on the distribution system, how each piece of equipment is operated, and how the permitting and tagging procedures work. The outage schedulers transfer loads to different circuits. Consequently, they have to know the allowable load that the circuits can hold as outlined in the Electric Distribution Engineering (EDE) manual guidelines.

I conclude that the outage schedulers in 37-10-02 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. The record established that the outage schedulers draw on their experience and training to exercise judgment in performing complicated limit checks to ensure that outages will not overload the system, to coordinate work to avoid grounding problems, and to develop switching instructions. In preparing switching steps, the outage schedulers refer to an array of resources, including the various computer databases at their disposal (e.g., DMIS, Maximo, ECS, Electric Trouble Operation System ("ETOS"), feeder load diagrams, and substation switching instructions. They must abide by operating guidelines in the Electric Distribution Engineering Manual and rely on their experience and expertise to make judgments about how to perform the work safely and efficiently. To perform all of these functions, it is essential that the outage schedulers come to the job with over six years of experience in operating the electric distribution system, and a detailed knowledge of equipment, materials, and distribution or bulk power maps, feeder books and operating practices. They must have a thorough understanding of the operations and functions of the equipment on the system. In these circumstances, I conclude that the outage schedulers are technical employees. See Waldorf, Inc., 122 NLRB at 806 (technicians are technicals even without particular educational requirement, where they must have a good deal of intelligence, the ability to learn, and a background experience in circuitry); Western Gear Corp., 160 NLRB at 274; Allis Chalmers Manufacturing, 128 NLRB at 89.

Even if it should be determined that the outage schedulers are not technicals, I find that the technical nature of their skills and functions and their comparable pay scale and working conditions provides them with a sufficient community of interest with technical employees to warrant their inclusion in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, 174 NLRB at 1006 (employees whose work involved technical skills, requiring the use of independent judgment, included in a technical unit even if they did not meet the definition of "technical employee"). Although they utilize experience they gained working as production and maintenance employees, they now apply that knowledge to perform technical tasks, such as writing switching instructions. This is akin to the technical work performed by the operating instruction technicians in 38-21-02, who write operating instructions for the substations, or the technical work performed by the lighting design specialist in 39-02-02, who helps write standards for the Electric Distribution Engineering handbook concerning how to wire and install new fixtures. They do not perform physical work. They are rarely in the field. Their only face-to-face contact with production and maintenance employees is when one of them comes to a coordinating meeting. They work in a secured office building like other technical employees, such as the operations computer specialists in this same unit, discussed below. They work under separate supervision from production and maintenance employees, using computers and paper resources, and work a flexible schedule at grade 30 pay. In these circumstances, I shall include the outage schedulers in 37-10-02 in the BGE-wide technical unit found appropriate in 5-RC-14908.

Operations Computer Specialist, 37-10-02 (formerly 37-10-04)

As noted, the parties stipulated to the following paragraph: The Operations Computer Specialists were transferred from Unit 37-10-04. The employees in this position perform the same sort of duties as in the former organization and as was presented during the hearing.

The parties are in dispute as to the placement of the operations computer specialists. BGE contends that this classification should be included in the BGE-wide production and

maintenance unit. The Petitioner contends that this classification should vote as part of the petitioned-for technical unit limited to the ETDD.

There are four operations computer specialist positions in pay grade 31, but only three of the positions are filled. The incumbents are Charlie Moore, Donald Major, and Charles Reckard. They work flexible hours between 8 a.m. and 4:30 p.m. When equipment is "cut in" on weekends or evenings, the computer specialists report to work to support that cut in. They work in the EOB, within a secure area, in a typical office environment. The operations computer specialists sit in cubicles adjacent to the distribution control room and near the engineering technician in former 37-10-04, who sits almost immediately outside the double doors to the distribution control room. They also have some work stations located in the distribution automation room. They spend 90 percent of their time in these offices.

The operations computer specialists are experts with respect to relational databases that facilitate communications between computer systems. They maintain the displays and databases in the Energy Control System (ECS). They make sure that one-line displays are appropriately displayed on computer systems. They spend about 20 percent of their time working with systems operations. They spend about 15 percent of their time working with the monthly engineering personnel in former 37-10-03 and 04. They provide service for the operators and supervisors in the control room.

Basically, these computer specialists are involved with a variety of the computer systems that directly support Systems Operations at the control room level. They provide a variety of support for operators and supervisors in the control room concerning computer operating systems, such as a new technology called SCIP (Substation Control Integration Project). The operations computer specialists are the focal point for Operating System Trouble Reports. Basically, any time a system operator identifies a problem with a computer system in the control room, they fill out a report. The operations computer specialist reviews that report and figures out what to do to resolve the problem. The operations computer specialists also support the automated local management system. They also provide support for the Distribution Automation (DA) System at the distribution feeder level.⁶ The Distribution Automation System is concerned with the operation and monitoring of feeder level equipment.

With respect to the Energy Control System (ECS), the operations computer specialists maintain and update the displays and databases so that the control system works as designed. The ECS primarily provides information concerning the transmission system to the substation level. There is a supervisory point assignment sheet that established the points in the field at the substation level that are going to be transmitted back to the Energy Control System through a remote terminal unit. The operations computer specialists create the database so that the data is received and translated to the system operator in a useable fashion. The operations computer specialists ensure that the databases are structured properly and that the user interface that the operator sees is accurate so that equipment functions properly in the substations. They create a database structure necessary to provide the computer interface between the control center system and equipment in the field. The operations computer specialists also are responsible for input rating information that concerns how much load particular equipment can handle. They retrieve that data from MAXIMO and input it into the Energy Control System about 5 percent of the time.

⁶ Distribution automation is a series of switching devices that allows equipment to be operated remotely through communication between the device and the EOB. Literally, through a computer screen, one can click on a button and open up and close switches.

In addition to creating databases, they also create the computer displays for new equipment in the substations or out in the field. They finalize one-line displays so that the system operators have a computer representation of what actually exists in the field. They basically mimic the hand-drawn or computer-generated prints from the substation department by creating a computerized one-line diagram that the operators are expected to use once the equipment is placed in service.

As noted elsewhere, the prints or one-line diagrams are originally prepared by the designers and drafters in the Design Engineering and Analysis Section 38-21-01, whom I have included in the BGE-wide technical unit. Those prints or designs are then forwarded to the operations computer specialists. The operations computer specialists then create a one-line diagram on the computer system. They essentially copy what the designer has already made and make it real on the computer system. Twenty five to thirty five percent of their work time is spent performing this function. The system operators must approve the one-line representation. The work product that the operations computer specialists generate is essentially a computer system database that the system operators use on a real time basis to monitor and control equipment in the field.

The operations computer specialists regularly interact with the lead and senior relay and control technicians in 38-20. After the database and the displays are developed, and before the equipment is placed in service, the operations computer specialist runs a series of tests (point by point, alarm by alarm, and value by value) at the substation level with a senior or lead relay control specialist. These tests are used to validate that whatever action is initiated at the control center actually takes place in the field. In the spring and fall, when new capital equipment is being placed on the system, the operations computer specialists are on the phone most of the day with the lead and senior relay and control technician to verify whether control center conditions match those in the field. The operations computer specialists notify the shift supervisors in the respective control rooms after they have point checked equipment for service.

The operations computer specialists are also involved with developing the displays and database for the feeders. They interact by telephone at the feeder level with the distribution testers and distribution automation technician in the Equipment Diagnostic and Repair Unit 36-05-04 concerning control checking and point-to-point checking. Charlie Moore, one of the operations computer specialists, spends about 25 to 30 percent of his time interfacing with the distribution tester or the distribution automation technician in 36-05-04 to test and verify new installations of equipment on the distribution system. As noted elsewhere, the distribution technicians prepare the plan for how a feeder is going to be laid out or how new equipment is going to be installed on the system. They forward this information to a system operations analyst (excluded classification in 37-10-03), who forwards the information to the operations computer specialists.

The record established that the SCIP (Substation Control Integration Project) technology at the substation level is the technology of the future. It consists of more complex database structures and protocols to translate the data from the computer system into the Energy Control System so the operators can use the information. When using SCIP technology, the operations computer specialists perform the same type of database verification with the lead or senior relay and control technicians. At the time of the hearing, only one substation had been placed in service on SCIP.

The operations computer specialists also prepare databases to ensure that data transfer between PJM and BGE is accurate and that PJM gets the data required. They also review the load shedding database and primarily interact with the engineering technician in former 37-10-04, when doing so. The engineering technician updates that database to exclude critical or sensitive feeders from the load shedding process. The engineering technician then conveys this information to the operations computer specialists.

The record established that a basic qualification for the job is “[t]hree years experience in relational database design and maintenance or associated technical equivalent (e.g., AA certificate in computer science, programming or relational database tools) or 6 years experience with Bulk Power, Distribution, or Fossil metering and control systems or equivalent combination of education/training and experience.” See Er. Exh. 4, #522A. It is preferred that the operations computer specialist have relational database experience or a technical equivalent, such as an AA degree or a computer science degree. There is no absolute degree requirement, however, it is merely a preference. The operations computer specialists must also be familiar with relay or control systems at the field level because they are communicating frequently with the relay and control technicians. The Employer seeks to fill this position with employees who have metering or control system experience. For example, operations computer specialist, Donald Major was a senior relay and control technician. He had no relational database skills, but he had metering and control system experience.

The operations computer specialists receive STAR training (stop, think, act, review). Essentially, STAR is a safety training program primarily designed for system operators to guide them about how to react when faced with an unknown or abnormal situation. The operations computer specialists receive STAR training due to the nature of the work that they perform, such as control checking from point to point.

Although there is no specific training required for the operations computer specialists, the record established that when the Energy Control System was placed in service in 1994 or 1995, the operations computer specialists received specialized training from the vendor of the system. Most of the knowledge that they need to perform their functions is gained through on-the-job training with the systems they deal with in order to gain a thorough understanding of the database structures and computer operating systems.

There is no requirement that the operations computer specialists take any courses or seminars to perform the functions of their job. They are encouraged to do so, but it is not required. The record established that the operations computer specialists have taken computer or telecommunications courses through the BGE tuition reimbursement program. See Pet. Exh. 61. The record also established that the system operations analyst in 37-10 is teaching the operations computer specialists whatever they need to know about the Distribution Automation System. The analyst is no longer responsible for database and display building. Before the April 1999 reorganization, the system operations analyst created databases and displays that the operations computer specialists now create for the DA System.

The operations computer specialists participate in the RIA program. They have a local team goal that concerns database and display accuracy. Their work leader, the system support leader, participates in that team goal. With regard to the Distribution Automation System, there is an equivalent goal for the system operation analysts in terms of database and display accuracy. The operations computer specialists do not have official storm duty assignments.

I conclude that the operations computer specialists in 37-10-02 (formerly 37-10-04) are technical employees, who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. The record testimony established that a basic requirement for the job is three years experience in relational database design and maintenance or the associated technical equivalent (e.g., AA certificate in computer science, programming or relational database tools) or 6 years experience with bulk power, distribution, or fossil metering and control systems, or the equivalent combination of education/training and experience. The record further established that the operations computer specialists are experts with respect to relational databases used in the ECS and DA to communicate with other equipment in the field through separate communications mechanisms. Their work is highly technical, and requires the use of considerable independent judgment. Although the systems operators approve the displays created by the operations computer specialists to verify that they are acceptable for use, the record makes clear that the specialists exercise considerable independent judgment when designing and maintaining various databases and when determining what equipment can be put on line. In these circumstances, I conclude that the operations computer specialists in 37-10-02 (formerly 37-10-04) are technical employees and should be included in the BGE-wide technical unit. Western Gear Corp., 160 NLRB 272, 274 (1966); Allis-Chalmers, 128 NLRB 87, 89 (1960); Waldorf, Inc., 122 NLRB 803, 805 (1958); National Gypsum Co., 116 NLRB 1005, 1009 (1956).

Even if it should be determined that the operations computer specialists are not technical employees, I find that they perform tasks of a technical nature and share a close community of interest with technical employees such as the designers and engineering technicians that I have included in the BGE-wide technical unit. Brown & Root-Northrop, supra, 174 NLRB at 1006. They provide expert technical support for the operators and supervisors in the control room. There is no evidence of any face-to-face contact or interchange with production and maintenance employees, although they remotely perform various control tests with relay and control technicians. Otherwise, their skills and responsibilities are completely different from production and maintenance employees. They spend no time in the field and work under different conditions and supervision. They receive grade 31 pay, much like other technical employees. They create one-line diagrams using independent judgment and discretion, much like designers and other technical employees found herein. In these circumstances, I shall include the operations computer specialists in 37-10-02 (formerly 37-10-04) in the BGE-wide technical unit in 5-RC-14908.

Former Operations Engineering Unit, 37-10-03

As noted above, the parties stipulated to the following paragraph:

This unit was deleted. The former unit contained two positions in dispute, the Senior Engineering Technician and the Senior Administrative Assistant. The Sr. Engineering Technician position was vacant during the hearing and that position has been eliminated. The Sr. Admin. Assistant, Helen S. Charles, was transferred to Unit 38-13-01. The Employer does not seek this position in any voting unit.

Former Senior Engineering Technician, 37-10-03

As noted, the parties stipulated that his position has been eliminated.

Senior Administrative Assistant, (formerly 37-10-03, now 38-13-01)

As noted, the parties stipulated that this classification was transferred to 38-13-01 and the Employer no longer seeks this classification in any voting unit.

Former Operating Computer Sys. Unit, 37-10-04

As noted, the parties stipulated to the following paragraph: This unit was deleted. The former unit contained two positions in dispute, the Engineering Technician and the Operations Computer Specialist. The Engineering Technician position was transferred to 37-12-01 and the Operations Computer Specialists were transferred to Unit 37-10-02. Employees in these positions continue to perform the same duties as they did in Unit 37-10-04 and as was presented during the hearing.

Engineering Technician, formerly 37-10-04

As noted, the parties stipulated that this classification was transferred to 37-12-01 and continued to perform the same duties as in 37-10-04. This classification is discussed below in 37-12-01.

Operations Computer Specialist, 37-10-02 (formerly 37-10-04)

As noted, the parties stipulated that the operations computer specialists were transferred from Unit 37-10-04 to 37-10-02, although they perform the same sort of duties as in the former organization and as was presented during the hearing.

This classification was discussed supra in 37-10-02.

System Operations Section, 37-11-01 – General Supervisor, Kathryn Chappell

The Systems Operations Master Section is essentially responsible for monitoring, controlling and operating the Distribution and Bulk Power Electric Systems.

System Operations Unit, 37-11-02

System Operations is essentially responsible for monitoring and operating the entire electric system. System Operations are run from two control rooms located at the Electric Operations Building, the bulk power control room and distribution control room. The bulk power control room is responsible for monitoring, controlling, directing, and maintaining most of the substation and transmission system. The distribution control room is responsible for similar functions for the distribution lines and substations that operate at lower voltages.

In the bulk power control room there are approximately six shift supervisors and eight system operators, who work a rotating shift schedule to provide 24/7 coverage. In the distribution

control room, there are approximately five shift supervisors, 16 system operators and 12 service dispatchers. They all work rotating shifts, seven days a week. The shifts are from 7 a.m. to 3 p.m., 3 p.m. to 11 p.m., and 11 p.m. to 7 a.m. The system operators in the distribution room perform switching steps provided by the outage schedulers to take equipment out for maintenance. A distribution shift supervisor typically has about six employees assigned to him; two or three service dispatchers and three system operators.

The parties are in dispute as to the unit placement of service dispatchers. The Employer would include the service dispatchers in the BGE-wide production and maintenance unit. The Petitioner would exclude the service dispatchers from any unit found appropriate.

After the close of the hearing, the parties stipulated that the employees whose duties involve the operation of the distribution system, as opposed to the transmission system, were transferred to a new Distribution System Operations Section (37-12).

Service Dispatcher, 37-11-02
Service Dispatcher, 37-12-02(formerly 37-11-02)

The service dispatchers are in pay grade 27. As noted, after the close of the hearing, the parties stipulated that the employees whose duties involve the operation of the distribution system, as opposed to the transmission system, were transferred to a new Distribution System Operations Section (37-12).

The service dispatchers share supervision by shift supervisors in various work groups with system operators, who are excluded as monthly employees. They work the same hours and shift schedules as the service operators, who are included in the BGE-wide production and maintenance unit. The service operators are the employees who are actually performing the physical repairs in the field. They are in pay grade 30 and work under separate supervision from the service dispatchers. Service operators report to work at the various service centers, not at EOB. They are dispatched by the service dispatchers.

The service dispatchers are located at the entry level of EOB. The service dispatchers perform about 100 percent of their work at the EOB. Service dispatchers spend over 95 percent of their time at the EOB in a typical office environment that is carpeted, temperature controlled and air conditioned. Service dispatchers work fairly closely with the system operators. They are encouraged to support each other and work together. They report to the same room at the EOB and communicate about any job that requires a system operator to take over direct switching operations. A system operator may assist a service dispatcher to input some information in WMS. During any eight-hour shift, the service dispatchers spend about five and a half to six hours in some kind of communication with the service operators.

Each service dispatcher sits at a console and is responsible for a certain geographic territory. The core function of the service dispatchers is to dispatch trouble work to the field. They direct or refer work to service operators and other field personnel. The work comes in either on CIS tickets or from the electric trouble operating system (ETOS). The service dispatchers are responsible for prioritizing work according to public safety and customary outage concerns and to efficiently dispatch the work so that the service operators are not traveling out of their way. The service dispatcher keeps track of where the service operators are working. They use radios to contact the service operators to send them to other jobs. The service operator's shift

supervisor keeps a schedule of where the service operators are working in Maximo. The service operators call in to the service dispatchers at the beginning of each shift to obtain work assignments. Once the service operator leaves the shop, they communicate by radio with the service dispatchers throughout the remainder of the shift. At any given time, a service dispatcher dispatches work to between five and seven service operators. Seventy percent or more of the work of the service operators comes directly from the service dispatchers.

The service dispatchers provide the service operators with proper addresses and any relevant information from customers or the ETOS concerning the nature of the problem. Once the service operator reaches a job site, he communicates with the service dispatcher about the estimated time for restoration of service and any course codes that need to be entered into ETOS by the service dispatcher for transfer back to customer care personnel. If a service operator in the field and cannot perform the work himself, the dispatcher would input a work order into WMS (Work Management System). Once a service operator has completed a particular job, the service operator will radio the service dispatcher so that the service dispatcher can close the job out in ETOS and indicate the amount of time required for restoration. That information is communicated back through the computer systems to the customer care center.

Service dispatchers also dispatch construction crews. On the 3 p.m. to 11 p.m. shift, there is some construction crew coverage that is scheduled. If the construction crew schedule is very busy, the service dispatcher will dispatch the construction crew without first having the service operator check out the underlying problem. Sometimes there are meter problems and a meter and installation crew will have to be called in and dispatched by the service dispatcher. The service dispatcher is responsible for keeping ETOS up to date on actions in the field, entering cause codes and restoration of service times, and putting information in the Work Management System to refer jobs to other departments.

The dispatchers use ETOS, radios, telephones, and some microfiche equipment so they can view secondary and primary maps. With respect to knowledge or skills, the service dispatchers need to be familiar with the grid system, the functions of various equipment and devices, and they must be able to interpret primary and secondary maps. New service dispatchers are typically sent out to ride with a service operator as part of their initial training. When they travel with service operators, they wear the proper safety equipment on job sites. There is no active cross-training between these classifications, nor is there any formal program whereby the service dispatchers perform field work.

During heavy work periods, outage schedulers have served as service dispatchers. When service operators are on light duty, they act as service dispatchers. In 1999, a service operator worked for several weeks, perhaps a month, as a service dispatcher. An overhead mechanic also worked as a service dispatcher for several weeks. In 1998, a service operator worked for about a month as a service dispatcher. The record established, however, that this assistance was given before the unit hired three additional service dispatchers. Service dispatchers do not work as outage schedulers or service operators. During storms, outage schedulers have provided assistance as service dispatchers. There is also an engineering technician in the Operations Engineering Unit 37-10-03, who has performed the service dispatcher function. However, service dispatchers do not ever work as engineering technicians.

The record testimony established that people who have knowledge of the service territory have an advantage toward acquiring a service dispatcher job. For example, the work history of

service dispatcher, Vernessa Barnes, indicates that she worked as a truck driver in the Facility and Fleet Services Department and learned the service territory.

Service dispatchers attend departmental safety meetings. Service dispatchers also perform a dispatch function during storms. Service dispatchers participate in the RIA program. Their local goals are similar to the local goals of service operators and are directed toward fulfilling workload responsibilities.

I conclude that the service dispatchers in 37-11-02 and those transferred to 37-12-02 should be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. The record established that the basis function of the service dispatchers is to dispatch trouble work to maintenance personnel in the field, primarily service operators in Department 36, whom the parties have agreed to include in the BGE-wide production and maintenance unit. The service dispatchers work rotating shifts that match the shifts worked by the service operators. Throughout each day, the service dispatchers communicate with the service operators. In fact, the service operators start their day by checking in with the dispatchers when they first report for duty to receive their initial assignments for the day. During shifts, the service dispatchers regularly communicate with the service operators by radio. They convey the next job assignment and its location, talk about the nature of the job, and discuss possible causes of the outage or other maintenance related issues that may arise. During “off” shifts from 3:00 p.m. to 11:00 p.m., the service dispatchers will dispatch work directly to overhead crew leaders and overhead mechanics from Department 36 or meter crew leaders and meter mechanics from Department 39, when necessary. The parties have agreed to include these classifications from overhead crews and meter and installation crews in the BGE-wide production and maintenance unit. The service dispatchers must have extensive knowledge of the electric system and equipment, and use the same grid/map system used by the service operators and the overhead crews. In addition, I note that service operators occasionally serve as service dispatchers. In these circumstances, even though the service dispatchers work in a separate area from production and maintenance employees under separate supervision, I conclude that they share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance found appropriate in 5-RC-14909. In addition to the foregoing factors emphasized above, I find that their dispatch work is essential for and integrally related to maintenance functions performed in the field. See Louisiana Gas Service Co., 126 NLRB 147, 150 (1960) (employees who communicate trouble or immediate maintenance work to service crews included in production and maintenance unit); Pacific Gas & Elec. Co., 87 NLRB 257, 268 (1949) (same).

Distribution System Operations Section (37-12)

Distribution System Operations Section Office 37-12-01

Engineering Technician, 37-12-01 (formerly 37-10-04)

As noted, the parties stipulated that this classification was transferred to 37-12-01 from Unit 37-10-04 and continues to perform the same duties as in the former organization 37-10-04. The parties are in dispute as to the placement of the engineering technician. BGE contends that

this classification should be included in the BGE-wide production and maintenance unit. The Petitioner contends that this classification should vote as part of the petitioned-for technical unit limited to the ETDD.

Mr. Burns, the engineering technician position in 37-12-01 (formerly 37-10-04) is in pay grade 30. The engineering technician works in a secured area of the EOB, outside the distribution control room in a typical office environment. He works flex time. He shares supervision from the senior engineer work leader with engineering personnel and the systems operations analyst in work group 2. He provides a variety of support at the control room level for the outage scheduling organization as a backup service dispatcher for MAXIMO. Specifically, he provides a lot of computer system type support and training to the shift supervisors, system operators, and the service dispatchers in the distribution control room concerning use of the Customer Information System (CIS), ETOS, MAXIMO, and the Work Management System (WIS).

The engineering technician provides some computer support with regard to Maximo, BIS, WMS, and ETOS. The engineering technician works with monthly engineering personnel in 37-10-03 and 04, more than 50 percent of the time. The engineering technician uses his experience and judgment to make better utilization of the computer programs and systems that are being used by service dispatchers, system operators and supervisors. The engineering technician collects load forecast information, verifies ratings, and performs analysis to assess seasonal peak flows. He then discusses that analysis with the engineers or analysts. During this seasonal analysis, a distribution tester may be out in the field taking readings from substations, monitoring actual feeder load conditions and phoning or faxing that information back to the engineering technician, who collects the data for that day. Typically, on a peak day, the engineering technician is monitoring the feeders on the energy control system and then collecting information from distribution testers, service operators or the senior shift substation technicians.

There are a lot of needs that are identified at the general supervisor or shift supervisor level. The engineering technician investigates whether or not it is practical or feasible to meet the needs. The engineering technician provides support for outage scheduling. The outage schedulers utilize a system called OSCAR (Outage Scheduling Coordination and Record System). The engineering technician develops up-front user interface type applications that allow the outage scheduling organization to retrieve data from or enter data into the system.

The engineering technician assists employees who need to access the MAXIMO system. He coordinates changes to the MAXIMO system. There is an application by which MAXIMO provides feeder and equipment ratings information. The engineering technician trained the outage schedulers and senior outage analyst work leader, as well as the shift supervisor and system operators on how to access that information from MAXIMO. He maintains MAXIMO user lists that indicate who has access to certain displays and databases.

The engineering technician is responsible for examining forecasted loads through seasonal operating studies to determine if BGE has enough feeders that are equipped with under frequency relaying to meet PJM directives. Thus, each spring and fall the engineering technician works closely with senior engineers, engineers and distribution technicians from the System Planning Unit to determine the appropriate peak forecast for equipment on the electric system. The engineering technician then performs an analysis to identify whether any of the equipment on the electric system is expected to exceed its ratings or go beyond its design thresholds during upcoming peak periods. The engineering technician also takes the seasonal forecast and provides

a report to the control room and the outage schedulers concerning that portion of the system for which there is no immediate real time feedback through remote control SCADA systems.

When a peak day is expected, the engineering technician coordinates the process of load readings. The engineering technician contacts the supervisor of the customer reliability maintenance organization, the supervisor of distribution field operations, or the research technician specialist in the substation system protection department, and requests that field personnel take real time readings on equipment that is expected to be overloaded. The distribution testers in 36-05, service operators in Department 36 and senior shift substation technicians or substation technicians at the substation level in department 38 are the employees actually out in the field taking these readings. The actual real time readings are given directly to the engineering technician by these classifications. The engineering technician then prepares a report for system operating personnel to indicate any problem areas during peak times.

The engineering technician assists engineers and analysts with the normal course of their duties, similar to the senior engineering technician. One of the areas that the engineering technician is involved with is storm processes and procedures. One of the senior engineers in 37-10-03 is responsible for a work load damage assessment database for large storms. The engineering technician created that database following direction from the senior engineer. There is a lot of storm activity that the engineering technician supports through direction from the senior engineer and engineering analysts.

The engineering technician came from a service dispatcher position. The engineering technician trains the service dispatchers on an as needed basis. With respect to the new service dispatchers, BGE anticipates that there will be much more intensive interaction. The engineering technician performs service dispatcher backup duties, about five to ten percent of his time. He also serves as a backup service dispatcher during storm duty. The engineering technician participates in the RIA program.

Although there is no absolute requirement that the engineering technician have a post-high school degree, it is desired that the engineering technician have some post high school education in the engineering or physical sciences area or experience working with the system. There is no specific training that is required for the engineering technician position in 37-12-01 (formerly 37-10-04). The engineering technician receives the same safety training as the operations computer specialist. A lot of the information and knowledge that the engineering technician has obtained concerning the computer systems is based on job interaction with the system. Vendors of the computer systems generally have one-on-one training sessions with Mr. Burns. When MAXIMO came on line, there was generalized training provided by the vendor. Mr. Burns has received computer training from either BGE information technology personnel or outside consultants in computer applications such as Excel, Foxpro, Harbor Graphics, Lotus 1, 2, 3, Microsoft Word, Navigation Techniques, and Word for Windows.

I conclude that the engineering technician in 37-12-01 (formerly 37-10-04) is a technical employee who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. The record testimony established that a basic requirement for the job is either a post-high school education in engineering or physical sciences, or experience in those areas. In addition, while on the job, the engineering technician receives specialized training on the computer systems. The record also established that the engineering technician exercises considerable independent judgment when performing his peak season analyses and when developing more effective applications for the computer systems. Thus, although his search for different computer

applications is often prompted by requests from control room personnel, the record established that he conducts the investigation himself. In these circumstances, I conclude that the engineering technician 37-12-01 (formerly 37-10-04) is a technical employee and should therefore be included in the BGE-wide technical unit. Western Gear Corp., 160 NLRB 272, 274 (1966); Allis-Chalmers, 128 NLRB 87, 89 (1960); Waldorf, Inc., 122 NLRB 803, 805 (1958); National Gypsum Co., 116 NLRB 1005, 1009 (1956).

Even if it should be determined that the engineering technician is not a technical employee, I find that he performs tasks of a technical nature and shares a close community of interest with technical employees, especially the operations computer specialist in 37-10-02 (formerly 37-10-04), that I have included in the BGE-wide technical unit. Brown & Root-Northrop, supra, 174 NLRB at 1006. In this regard, engineering technician works in the EOB's secure office environment with other technical employees and engineering personnel and is paid comparable wages to other technical employees included in the unit in 5-RC-14908. The engineering technician does not perform any physical work or spend any time in the field and has no direct interaction or interchange with production and maintenance employees. Moreover, based on the technical nature of his job functions, it is clear that the engineering technician has different skills and responsibilities from production and maintenance employees. In these circumstances, I shall include the engineering technician in 37-12-01 (formerly 37-10-04) in the BGE-wide technical unit found appropriate in 5-RC-14908.

System Operations Unit (37-12-02)

Service Dispatcher, 37-12-02 (formerly 37-11-02)

As noted above when discussing Systems Operations Unit 37-11-02, the parties stipulated to the following paragraph: The employees in this unit were transferred from Section 37-11. The employees who transferred were the ones whose duties involve the operation of the distribution system, as opposed to the transmission system.

This classification was discussed above in 37-11-02.

D. SUBSTATION SYSTEM & PROTECTION SYSTEM DEPT. 38

The Substation and System Protection Department 38 is responsible for work related to substations, including planning, design, construction, testing, maintenance, operation, system protection, and capital improvements. Substations are located throughout the BGE electric system and contain a wide variety of equipment, including transformers, circuit breakers, and switch gear. Generally, electricity flows from the power plants, either fossil or nuclear, through various levels of substations and the transmission and distribution lines. The substations convert the electricity into usable form for customers, whether industrial, commercial, or residential. Bulk power substations, located at the various power plants, normally handle electricity at 230 kilovolt (KV) to 500 KV levels. Distribution substations generally handle electricity at 13 KV to 34 KV levels. There also are switching stations, which route electricity in different directions on the system.

The Substation and System Protection Department is comprised of the Substation Engineering/Project Management Section 38-02; the Substation Construction/Operations/Maintenance Master Section 38-10; the System Protection and Control Master Section 38-20; and the Workload Planning Unit 38-00.

1. Workload Planning Unit, 38-00-03 – Supervisor, Norman Depew, Jr.

The Workload Planning Unit generally is responsible for scheduling construction and maintenance work for the substations. It also monitors the progress of that work and keeps track of budget for that work. The parties are in dispute as to the placement of all three weekly job classifications in Unit 38-00-03. The Employer contends that the maintenance program specialist, maintenance program coordinator, and principal administrative assistant should vote as part of the BGE-wide production and maintenance unit. The Petitioner would exclude these classifications.

Maintenance Program Specialist, 38-00-03

The maintenance program specialist, Willie Horton, is in pay grade 28 in work group 2. The maintenance program specialist is supervised by the senior engineer work leader, who also supervises the engineer, engineering analysts, associate engineer (excluded classifications), maintenance programs coordinator and principal administrative assistant (disputed classifications) in work group 2. The maintenance program specialist works from 7 a.m. to 3: 30 p.m., with flex time. The maintenance program specialist spends about 95 percent of his time in the office area at the Lord Baltimore Building.

The maintenance program specialist basically performs data entry functions. After a work order has been completed by the senior administrative assistant, the maintenance program specialist enters any comments that have been written down by the substation crews on the work order and enters that data into Maximo, and then closes out the work order. If the maintenance program specialist has questions about the written comments, he may contact the substation technicians or the resource planning specialist and ask for clarification concerning the work order. The maintenance program specialist works in the Lord Baltimore Building where the substation crews are based. The maintenance program specialist also inputs information into Maximo so that work orders are triggered for maintenance on load tap changers and circuit breakers at the appropriate time. The information that the maintenance program specialist enters into Maximo is used for purposes of equipment data analysis by engineers, analysts, and supervisors in the Reliability & Maintenance Planning Unit and the Electric Systems Operations and Planning Unit. He also may generate some reports for specific pieces of equipment. Periodically, he will visit a substation with a technician or engineer although the record fails to establish how often this occurs on an annual basis. The record does clearly establish that the majority of the maintenance program specialist's work is data entry into the computer system. The maintenance program specialist receives departmental safety training and shares departmental RIA goals.

I conclude that the maintenance program specialist in 38-00-03 does not share a community of interest with employees in any of the units found appropriate herein. He has different skills and functions than unit employees. He does not perform production and maintenance or technical work. He works almost exclusively in an office environment performing data entry or clerical functions and has little contact with production and maintenance or technical employees. He has separate supervision from unit employees and is part of a unit with monthly rated engineers and engineering analysts for whom he prepares reports. There is no evidence of interchange with unit employees. In these circumstances, I shall exclude the maintenance program specialist in 38-00-03 from any of the units found appropriate herein.

Maintenance Program Coordinator, 38-00-03

The maintenance program coordinator, Nancy Newman, is in pay grade 28. She spends about 95 percent of her time in a typical office environment at the Windsor Office Building where she works core hours, with flex time. She audits and analyzes the costs associated with the maintenance program and provides monthly reports to maintenance supervisors about whether the maintenance program is within budget. She generates reports out of Maximo, BIS, and other databases for supervisors. She handles and analyzes the majority of budget issues concerning the maintenance program. She contacts the resource planning specialists by e-mail or telephone concerning questions about specific parts that were purchased. She also performs a lot of work with the procurement card system and alerts management to errors with procurement card account numbers. She provides data to the work-order planning unit to help plan future maintenance work based on the current state of the maintenance program and budget.

The record testimony established that the applicable job description (Er. Exh. 4. #379C) is generally accurate, except that the maintenance program coordinator is more involved with future planning of maintenance work as opposed to current coordination or scheduling of maintenance work, and the maintenance program coordinator has nothing to do with spare or replacement parts. The maintenance program coordinator receives departmental safety training and shares departmental RIA goals.

I conclude that the maintenance program coordinator in 38-00-03 does not share a community of interest with employees in any of the units found appropriate herein. She has different skills and functions than unit employees. She does not perform production and maintenance or technical work. She works almost exclusively in an office environment overseeing budget issues and using computer databases to prepare her analyses and reports for supervision. There is no evidence of interchange with unit employees and her contact with the resource planning specialist concerning the costs of parts is by telephone or e-mail. The maintenance program coordinator has separate supervision from unit employees and is part of a unit with professional monthly-rated employees. In these circumstances, I shall exclude the maintenance program coordinator in 38-00-03 from any of the units found appropriate herein.

Principal Administrative Assistant, 38-00-03

There are two principal administrative assistants in pay grade 28. They report to a typical office environment at the Windsor Office Building at the Rutherford Business Center.

John Irvine, Jr., Supervisor of Substation Operations & Maintenance Analysis Unit 38-02-05, testified about one principal administrative assistant, Diane Kreger. Ms. Kreger typically works 8 a.m. to 4:30 p.m., with flex time. She reviews cell phone charges for the department. She puts together presentations, such as PowerPoint presentations, for the Department Manager, William Prince, and for supervisors and general supervisors. She provides monthly reports to supervisors and general supervisors. She coordinates corporate training and computer training courses for the department through the e-mail system. She receives the same departmental safety training as the maintenance program specialist and maintenance program coordinator and shares the same RIA goals as those classifications.

Edgar Adams, Director of Substation Construction, Operations and Maintenance Master Section, 38-10-01, testified about the other principal administrative assistant in 38-00-03, Donald

Levenstein. Director Adams testified that he had not supervised Mr. Levenstein since early 1999, but that Levenstein is performing the same job as when Adams supervised him. Principal administrative assistant Levenstein spends 90 percent of his time in a typical office environment at the W0B. He works core office hours, with flex there. He spends about 50 to 75 percent of his time on the computer. He sits in close proximity to the project managers, the construction inspection supervisors, the construction engineering specialists and the scheduling analysts in Department 38.

Principal administrative assistant Levenstein has five primary job functions related to Capital Construction Projects. When BGE approves an estimate to do a capital construction job, Mr. Levenstein develops the series of charge numbers (WBS numbers) for those jobs based on the content of the construction project. He looks at what capital assets are going to be installed or retired as part of the construction project and matches up WBS numbers for each of those assets. He generally communicates with the project managers or engineer in 38-02-03 to make sure that the list of WBS numbers is complete. Mr. Levenstein monitors the WBS numbers by reports that he generates from the Business Information System (BIS) computer system. He reconciles dollars that were charged to the wrong WBS number.

In addition, he is the focal point for handling invoices for all material, equipment and services associated with capital construction projects. He follows up on invoices to make sure that they are approved in a timely manner and returned to him. He matches the invoices with the bills and directs the Invoice Processing Unit to pay the bill. He makes copies of the invoices, sends the originals back to the Invoice Processing Unit, and keeps a file for departmental records. When a capital construction project retires capital equipment, he fills out a retirement form and sends it to the accounting department in the downtown G&E building to notify them that this particular equipment can be taken off the books. At the end of a project, he makes sure that the capital accounts he has created are closed out. He completes close-out papers on the projects and puts them in a file of closed-out projects.

Principal administrative assistant Levenstein was a resource clerk in Unit 95-00-05 in 1996. Today, he is performing the same job functions, albeit with a different job title. The applicable job history reflects that principal administrative assistant Levenstein was previously a construction clerk who ordered material for construction projects. The record testimony established that he must have a working knowledge of construction activities to accomplish his job objectives. Mr. Levenstein, however, has never worked in a classification that was actually physically performing construction or maintenance. During storm restoration activities, he dispatches loop crews and works as an ETOS operator at Front Street. He receives standard departmental safety training.

I conclude the principal administrative assistants in 38-00-03 do not share a community of interest with employees in any of the units found appropriate herein. They have different skills and functions than unit employees. They do not perform production and maintenance or technical work. They work almost exclusively in an office environment performing office clerical tasks such as reviewing cell phone charges, coordinating training courses, monitoring charge numbers for construction projects, monitoring invoices and reconciling or correcting accounts when money is improperly charged. There is no evidence of interchange with unit employees. The principal administrative assistants have separate supervision from unit employees and are part of a unit with professional monthly-rated employees. In these circumstances, I shall exclude the principal administrative assistants in 38-00-03 from any of the units found appropriate herein.

2. Substation Engineering/Project Mgmt. Sec., 38-02-01 – Director, John Borkoski

At the time of the hearing, the Substation Engineering/Project Management Section consisted of four units: the former Civil Design & Engineering Unit 38-02-02; the Electric Design & Project Management Unit 38-02-03; the Equipment Engineering & Document Support Unit 38-02-04; and the former Substation Operations & Maintenance Analysis Unit 38-02-05.

After the close of the hearing the parties stipulated to the following two paragraphs:

Civil Design & Engineering Unit (38-02-02)

This unit was absorbed into the Project Management and Engineering Unit (38-02-03). The position in dispute in Unit 38-02-02, Designer, continues to perform the same duties in 38-02-03 as in the former unit and as was presented in the hearing.

Substation Operation & Maintenance Analysis Unit (38-02-05)

This unit was eliminated. The positions in dispute in Unit 38-02-05, Resource Planning Specialist, Senior Administrative Assistant, and Storeroom Coordinator, were transferred to 38-12-01. They continue to perform the same duties in 38-12-01 as in the former unit and as was presented in the hearing.

Former Civil Design & Eng. Unit, 38-02-02

As noted, the Project Management and Engineering Unit 38-02-03 has absorbed the former Civil Design & Engineering Unit that produces civil design construction drawings to support the design, construction and maintenance of electric substation facilities. This unit produces design drawings for the Construction Units in 38-13 and the project managers in the Design & Project Management Unit in 38-02-03. This unit has total responsibility for civil engineering design essential for actual construction of the substation site, including foundation drawings, steel fabrication drawings, setting plans, and site development drawings.

As noted, the parties are in dispute as to the placement of the designers within the former Civil Design & Engineering Unit as absorbed by the Electric Design & Project Management Unit 38-02-03. The Petitioner contends that these employees should vote in a technical unit limited to the ETDD, which I have not found to be an appropriate unit. The Employer contends that these designers should vote in the BGE-wide production and maintenance unit, stipulated to be appropriate. Alternatively, should I find that these designers are technical employees and that a BGE-wide technical unit is appropriate, the Employer seeks to include these designers in the BGE-wide technical unit.

Designer, 38-02-03 (formerly 38-02-03)

There are two designers, Gary Heying and Mike Lookingland, in pay grade 31 in 38-02-03 (formerly 38-02-02). They share unit supervision with the engineer and two engineering analysts (excluded classifications). The designers work from 6 or 7 a.m. to 3 or 4 p.m., with flex time. They report to work in a typical office environment at the Windsor Office Building (WOB) where they spend about 85 percent of their time.

The designers prepare foundation construction drawings for reinforced concrete footers to support substation electric equipment, steel fabrication and setting plans, site development drawings, and sediment and erosion control drawings. These designs must comply with various codes set by the American Concrete Institute, the American Institute of Steel Construction and the American Welding Standards. The designers in 38-02-03 (formerly 38-02-02), the substation crew leaders and senior substation electrical mechanics (included production and maintenance classifications in 5-RC-14909) must also be familiar with or apply some of these codes. The designers often place these codes on engineering drawings to communicate applicable requirements such as the need for appropriate sediment and erosion and control devices when a project requires disturbance of the earth.

Each designer is assigned to a team. One team consists of the engineer, a designer and a contract drafter. The other team consists of an engineering analyst, a designer, and a contract drafter. The other engineering analyst in the unit operates and supports the CADD system and is not involved in drawing construction work. The physical drawings are created by designers and contract drafters. The designers use AutoCAD, a computer assisted design program. A basic qualification for the designer position is two years of experience using a CADD system. The engineer in former 38-02-02 also receives CADD training. Each of the designers attended a week-long CADD training course in the fall of 1999 that was conducted by Abatech Solutions in Owings Mills, Maryland. The engineer and engineering analysts provide direction to the designer concerning what they want on the drawing and they review the designers' work and make corrections and changes to insure code compliance. The engineering analyst basically performs the same functions as the engineer, except the engineering analyst does not have an engineering degree. The designer and engineering analyst work together all day long.

When dealing with environmental issues, the designers interact with the environmental permitting technician, Mike Fowler, in the Environmental Affairs Unit in 10-0A-02. The former Civil Design & Engineering Unit handled about 20 to 50 projects a year, depending on the construction schedule. The interaction between the designer and environmental permitting technician occurs on just about every project. The designers in 38-02-03 (formerly 38-02-02) prepare routine construction drawings that the environmental permitting technician submits to government agencies. The environmental permitting technician informs the designers about which drawings need a professional engineer's seal in order to obtain construction permits and how many copies are needed. This exchange of information usually occurs at project meetings off-site or by telephone or e-mail.

The record established that substation crew leaders and senior substation electrical mechanics in 38-13 attended classes in December 1999 and January 2000 concerning blueprint reading to facilitate a better understanding of the code information and substation construction practices information that is placed by designers on construction drawings. The codes are communicated to the designers by the engineers, engineering analysts and supervisors. The designers also have learned applicable codes through on-the-job training. When the designers prepare construction drawings, they include material lists that are used by the construction engineering specialists. The material lists indicate specifications for material, such as rebar or fabricated steel, so that the construction engineering specialists can place an appropriate order for such material with the Fort Smallwood Fabrication Shop. Because of fabrication lead times, the construction engineering specialists often ask the designers for copies of the material lists prior to the official release of the drawings to construction forces so that the materials are onsite when construction crews need them. The designers and construction engineering specialists work very

close to each other at the Windsor Office Building. Typically, the designer will run the prints off the printer and physically hand them to the construction engineering specialists.

The former Civil Engineering & Design Unit received requests for cost and man-hours from project managers (typically senior engineers, engineers or engineering analysts) in the Project Management Unit in 38-02-03. The designers or senior drafters in the Project Management Unit in 38-02-03 prepare substation location plans that designers in 38-02-03 (formerly 38-02-02) use for designing the installation of foundations. The location plan basically depicts an overhead view of the substation and the layout of equipment, footings, boundaries etc. In addition, manufacturers and the transformer consultant, engineer, and senior engineer (excluded classifications) in the Equipment Engineering & Document Support Unit in 38-02-04 provide equipment information that the designers in 38-02-03 (formerly 38-02-02) use to size footings.

The designers in 38-02-03 (formerly 38-02-02) make site visits to substation projects in company vehicles before, during, and after construction to resolve construction issues that construction crews experience. The engineer (excluded classification) in former 38-02 would usually accompany the designer to the job site, although this is not always the case. The designers and engineers have received the same training to gain entry to substations that the substation crews have received. They are required to wear personal protective equipment when entering the substation. At the job site, the designer would typically interact with the substation crew leader or senior substation electrical mechanic concerning unexpected obstructions and modifications to the design. When the construction crews have marked up or made changes to a construction drawing, the designer will often visit the site to verify the construction "as-built" before the designer corrects the official construction drawings. The designers, however, are not responsible for inspecting construction work. When site visits are not required, the substation crew leader may mark up the construction drawings and return them to the office through the construction engineering specialist in 38-13. The designers in 38-02-03 (formerly 38-02-02) also interact with the resource planning specialist or the engineering analysts (excluded classification) in the former Substation Operations & Maintenance Analysis Unit in 38-02-05 when these classifications contact the designers about maintenance problems or defective footings. The resource planning specialist typically learns of such conditions through site visits or feedback from the lead substation technicians, senior substation technicians, and substation technicians (included production and maintenance classifications) in the Substation Operations & Maintenance Units in 38-12-02, 03 and 04.

The designers need to have a basic understanding of mathematics, algebra, and engineering principles. Although most designs are routine and repetitive, the designers use formulas, computer programs, and other guidelines that have been established by the engineers over the years. Supervisor Stephen Goad testified that the formulas that designers use are standard "cookbook" formulas that are commonly used in the civil engineering industry to determine size and strength requirements based on the load that will be placed on the foundation. Loads are specified by the equipment manufacturer. The substation crews also need to be knowledgeable about load requirements for substation equipment. The applicable codes tell the designers what loading conditions the equipment must be able to withstand.

The designers also receive guidance from Department 38's Policy & Guidelines Manual that documents design requirements and procedures, and from standard company safety policies in the Accident Prevention Manual. The record established that all design personnel and construction personnel are receiving weekly training for policies and guidelines that began in

January 2000. The record established that the construction engineering specialist in 38-13 has attended training classes with design personnel in 38-02-03 (formerly 38-02-02). The designers receive training from the safety specialist (excluded classification) regarding safety issues. If there are special engineering conditions on site, the designers typically do not have the necessary skills to make the engineering judgments required. The engineers approve all of the designers' work product before the drawings are actually released to construction. After the designs have been reviewed and approved, they are submitted electronically into the Document Management System and released to construction crews in 38-13 and to project engineers on a standard distribution list. This distribution is handled by the principal administrative assistant and senior administrative assistant in the Equipment Engineering & Document Support Unit in 38-02-04. Otherwise, the only time that the designers give drawings to construction crews is when they provide the drawings to the construction engineering specialist, who delivers them to the construction crews.

A basic qualification for the designer job as set forth in the applicable job description (Er. Exh. 4, #154A) requires two years of post-high school education and over eight years of experience in appropriate design, engineering and drafting areas or the equivalent combination of formal education, training, and experience. Also, two years of experience using a CADD system is required. The applicable job histories of the designers reflect extensive experience as drafters. See Pet. Exhs. 59 and 60. The record established that designer Gary Heying took a course in structural engineering technology that would be helpful, but was not required for the job. Although the applicable job description refers to EEI test requirements, the record established that neither of the designers have had to take any EEI test. The designers do not deal with government agencies, do not function as project leaders, and do not prepare drafting schedules. They may check vendor drawings for accuracy, but the actual contact with vendors is handled by the engineers.

The designers receive departmental training at the Windsor Office Building. They have received training concerning cable splicing to help them design cable vaults. They have received sediment and erosion control certification from the State of Maryland. Substation crews in 38-13 and transmission crews in 36-01-02, also receive this certification. The designers participate toward achievement of local or unit RIA goals, such as the elimination of "as-built" drawing backlogs and the achievement of project service dates.

I conclude that the designers in 38-02-03 (formerly 38-02-02), like the designers who have always been in 38-02-03, discussed below, are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. In order to qualify for the designer job, an individual must have two years post-high school education and over eight years in an appropriate design, engineering and drafting area, or the equivalent combination of formal education and experience. Two years experience using a CADD system is also required. Moreover, the job histories of the designers reflect extensive experience as drafters. The designers receive location plans for substations from engineering personnel. They calculate the load that the foundations must be designed to support using knowledge of basic mathematics and engineering principles, civil engineering design formulas, computer programs, basic algebra, and standards published by the manufacturers of equipment or in BGE's Policy & Guidelines Manual. They then prepare detailed drawings using AutoCADD software to depict all environmental and building codes and they include a material list for the work depicted in the design. They work flexible hours between 6 a.m. and 4 p.m. and spend about 85 percent of their time in the office. When site visits are necessary, they visit the site with an engineer or engineering analysts, with whom they work as a team. The design work performed by designers is very similar to the design

work created by project design coordinators in 39-01-07, whom both parties agree are technical employees. In these circumstances, I conclude that the designers in 38-02-03 (formerly 38-02-02) are technical employees and should be included in the BGE-wide technical unit. Fisher Controls, 192 NLRB 514; PECO Energy Co., 322 NLRB at 1084 (draftsmen who create schematics to modify systems, using computer assisted design, drafting tables and desks, are technicals); Western Gear Corp., 160 NLRB at 274, 279 (draftsmen creating detailed drawings, utilizing mathematics and variety of technical symbols and exercising independent judgment are technicals); Allis-Chalmers Manufacturing Co., 129 NLRB at 89; Waldorf Instrument Co., 122 NLRB at 806.

Even if it should be determined that that designers in 38-02-03 (formerly 38-02-02) are not technical employees, I conclude that they perform design work of a technical nature and share a community of interest with other technical employees such as other designers, drafters, service planners and project design coordinators that I have included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006. I note that the designers in 38-02-03 (formerly 38-02-02) perform technical functions and utilize technical skills that are distinct from the functions and skills of production and maintenance employees. They work under completely different working conditions than production and maintenance employees, using CADD, much like the other design personnel found to be technical employees in 5-RC-14908. They have specialized training similar to that possessed by other technical employees. They have separate immediate supervision from production and maintenance employees and work in an office environment in a unit composed of engineers and analysts, just like the designers in 36-01-0, whom I have included in the technical unit in 5-RC-14908. They have no significant contact with employees in the production and maintenance unit other than an occasional visit to the construction site with an engineer to answer questions during the initial stages of the design of a large project or when unexpected problems arise during construction. They do not interchange with production and maintenance employees. In these circumstances, I shall include the designers in 38-02-03 (formerly 38-02-02) in the BGE-technical unit with other technical classifications that perform similar design work under similar working conditions for the same pay and benefits.

**Electric Design & Project Management Unit, 38-02-03 – Principal Engineer.
Donald Sandruck**

This Unit is primarily responsible for the engineering, electric design and management of projects involving new construction, expansion or improvement of substation facilities for the Workload Planning Unit in 38-00-03 and for external customers such as General Motors. This unit focuses on the electric equipment and components that are placed in the substation. This unit determines where the equipment and various components of the substation should be arranged and spaced to insure safety.

For internal projects, the Electrical Design & Project Management Unit in 38-02-03 receives a brief description of the work assignment from the System Protection & Control Master Section in 38-20-01, which has a Designing, Engineering & Analysis Section in 38-21-01. The Electrical Design & Project Management Unit in 38-02-03 then develops more detailed engineering drawings that are forwarded to construction crews in 38-13, and monitors and closes out construction projects. This unit handles about 800 drawings a year. Each project may require eight or ten drawings.

The Electrical Design & Project Management Unit in 38-02-03 has two teams, each headed by a lead engineer work leader. Each team consists of the following classifications: senior engineer, engineer, engineering analysts (excluded classifications), designer, senior drafter, drafter, and senior engineering technician (disputed classifications that Petitioner seeks in the petitioned-for ETDD technical unit in 5-RC-14908 and that the Employer would include in an appropriate production and maintenance unit, or technical unit). The core hours for the unit are 7 a.m. to 3: 30 p.m. Those hours correspond to construction hours, although some classifications work flex time and report as early as 5:30 a.m. and stay as late as 7 p.m.

Designer, 38-02-03

There are two designer positions in pay grade 31 in 38-02-03. One position was vacant at the time of the hearing. The other is held by Charlie Slade. The designers spend about 20 percent of their time in the field and the remaining 80 percent of their time in a typical office environment at the Windsor Office Building, where the construction organization in 38-13 is co-located. The designers sit in cubicles near the construction engineering specialist in 38-13, and near the senior drafters, drafters, and senior engineering technicians in 38-02-03. When in the field, the designers spend 100 percent of their time working with either engineering analysts or engineer (excluded classifications) as a team. The designer spends about 50 percent of their total time working with engineering personnel. The senior drafter spends even more time with the engineering personnel because they have less experience than the designer and receive more mentoring or coaching. The designers spend some of their office time in training classes across the street at the Lord Baltimore Building.

The designer receives "high-level" plans that lack detail from either the lead engineer, senior engineer, engineer or engineering analysts. He takes those high-level plans and develops the details for more complex projects. He develops one-line diagrams⁷ and more detailed scope documents or location plans⁸ that indicate how construction forces need to build the job so the substation equipment can be installed. The one-line diagrams become part of the job folder used by the construction crews and by the substation crews in 38-12 and the relay and control technicians who test wiring and conductivity in 38-20. The designers, however, rarely interact with the relay and control technicians. The designer indicates on location plan diagrams where particular pieces of equipment such as transformers or switches should be placed. The location plan is circulated for discussion at team meetings that project managers (engineers) conduct. The designer may interact with construction supervisors, substation crews, and the construction engineering specialist at project meetings or during field visits to verify that conditions in the field conform to design specifications before the construction engineering specialist orders fabricated material. The designers and senior drafters are assigned "as-builts" by engineering analysts. This occurs when there are changes to the design, as built. The designers or senior drafters pull the applicable CADD drawing up on their CADD machine, evaluate the change, visit the field with the engineering analysts to verify the change, return to the office to modify the CAD drawing, and then save the revised drawing in the CADD system. If discussion is required at the job site, the designer (and engineering analyst) will interact with either the construction

⁷ A one-line diagram is a very simplified drawing that reflects the different components of the substation in a circuit configuration and indicates the flow of electricity through each component of the substation before the electricity leaves the substation for the distribution lines.

⁸ The location plans are similar to a lot plan or floor plan of an architectural drawing that shows where the equipment is going to be located.

supervisor, construction engineering specialist, substation crew leader, or senior substation electrical mechanic in 38-13.

Each piece of equipment has a symbol associated with it and the designer must be intimately familiar with the correct symbology. The relay and control technicians in 38-20 need to know the same symbology. After designing location plans, the designer puts together even more detailed plans that show precise dimensions and that specify the clearances between pieces of equipment (based on internal design procedures and guidelines for the unit) or the number of switches or feet of cable that are necessary. The designer also develops a list of material specifications so that construction crews can build the job. The designer is given material specifications from engineers or the engineering analyst, although the record reflects that Mr. Slade has sufficient experience to prepare material lists himself. The material lists are eventually given to the principal administrative assistants in 38-02-04.

During the planning stage, the designer may interact with the construction engineering specialists in 38-13 and the substation crews in 38-12. The designer may also interact with these classifications as the design progresses and may visit the job site if a design change is suggested and then make a recommendation concerning the change to the engineers. After the design is completed, the designer will forward the design electronically through the Engineering Document Management System (EDMS) to the Equipment Engineering & Document Support Unit in 38-02-04 for appropriate approvals and processing. The storeroom coordinator and construction engineering specialist in 38-13 use this system and the list of materials in the system to make sure that proper materials are on site to build the projects.

The designers in 38-02-03 interact on a weekly basis with the environmental permitting technician, Mike Fowler, in the Environmental Affairs Unit 10-0A-02. The environmental permitting technician either visits the designers at the Windsor Office Building or interacts with them by telephone or e-mail. The environmental permitting technician informs the designers about what setbacks or clearances are needed on drawings to obtain environmental permits from government agencies.

Basic qualifications for the designer position includes two years post-high school education and over eight years in an appropriate design, engineering and drafting area or the equivalent combination of formal education/training and experience. In addition, two years experience in using a CADD system is required. See Er. Exh. 4, # 154A. The designer started with the Employer as a junior draftsman in 1973 and has held drafting and designing positions ever since. See e.g., Pet. Exh. 62

The designer has greater knowledge than the drafters and can put together detailed diagrams with limited guidance from engineers, although the designers still work at the direction or guidance of either the engineering analysts, engineer, senior engineer, or lead engineer.

All of the design and engineering classifications in 38-02-03 use a new AutoCAD system that was installed in the fall of 1999. The designer attended a week-long CADD training course in the fall of 1999 that was conducted by Abatech Solutions in Owings Mills, Maryland. All design and construction personnel now receive specific training concerning policies and guidelines. The designer does not have a specific storm assignment for routine storms, but is used as a driver for a two-person patrol crew during major storms. The designer shares the same RIA local goals as the other weekly and monthly classifications in 38-02-03. The local incentive

goals for the unit concern the fulfillment of project commitments, cost estimates and service dates. The unit also has a joint service date goal with construction units in 38-13.

I conclude that the designers who have always been in 38-02-03, like the designers absorbed into 38-02-03 from former 38-02-02, are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. The designer must have two years post-high school education and over eight years experience in an appropriate design, engineering and drafting area, or the equivalent combination of formal education and experience. Two years experience using a CADD system is also required. The job history of the designer reflects extensive experience as a drafter. The designer develops one-line diagrams and detailed scope location plans that indicate how construction forces need to build the job so that substation equipment can be installed. The designer indicates on location plan diagrams where particular pieces of equipment such as transformers, or switches should be placed. The designer works flexible hours and spends about 50 percent of his time working with engineering personnel. He spends just about all of his time in the field working with either an engineering analyst or engineer as a team. The design work performed by designers is very similar to the design work created by project design coordinators in 39-01-07 and other designers whom I have found to be technical employees and included in the BGE-wide technical unit in 5-RC-14908. In these circumstances, I conclude that the designer in 38-02-03 is a technical employee and should be included in the BGE-wide technical unit. Fisher Controls, 192 NLRB 514; PECO Energy Co., 322 NLRB at 1084 (draftsmen who create schematics to modify systems, using computer assisted design, drafting tables and desks, are technicals); Western Gear Corp., 160 NLRB at 274, 279 (draftsmen creating detailed drawings, utilizing mathematics and variety of technical symbols and exercising independent judgment are technicals); Allis-Chalmers Manufacturing Co., 129 NLRB at 89; Waldorf Instrument Co., 122 NLRB at 806.

Even if it should be determined that that designer in 38-02-03 is not a technical employee, I conclude that he performs design work of a technical nature and shares a community of interest with other technical employees including other designers, drafters, service planners and project design coordinators that I have included in the BGE-wide technical unit found appropriate herein. Brown & Root-Northrop, supra, 174 NLRB at 1006. I note that the designers in 38-02-03 perform technical functions and utilize drafting skills that are distinct from the functions and skills of production and maintenance employees. They work under completely different working conditions than production and maintenance employees and use a new AutoCAD system. They have specialized CADD training similar to that possessed by other technical employees. They have separate immediate supervision from production and maintenance employees and work in an office environment in a unit composed of engineering personnel and other design personnel, just like the designers from 36-01-01 or 36-02-02, whom I have included in the BGE-wide technical unit in 5-RC-14909. They have no significant contact with employees in the production and maintenance unit other than an occasional visit to the construction site with an engineer or engineering analyst to answer questions during the planning stage or concerning proposed modifications to designs. They do not interchange with production and maintenance employees. In these circumstances, I shall include the designers in 38-02-03 in the BGE-wide technical unit with other technical classifications that perform similar design work.

Senior Drafter, 38-02-03

There are three senior drafters, Bertram Elliot, Scott Grasser and Jim Clements, in pay grade 29 in 38-02-03. The senior drafters perform functions similar to the designer, except they do not work on highly complex projects. They work on less complex substation designs that

involve less pieces of equipment. They receive more direction than the designer from either the engineering analyst or the engineers. The senior drafters also rely on the designers as a resource and mentor. The record established that the senior drafters basically have the same type of interaction with construction crews as the designers, except that the senior drafters may spend more time asking questions from the construction engineering specialist or substation crew members to enhance their knowledge. Like the designers, the senior drafter spends about 20 percent of the time in the field and they are accompanied in the field by one of the engineering classifications in the unit. At least 50 percent of the senior drafters' time is spent working with the professional engineering classifications.

The senior drafters have received training on the new AutoCAD system. The record established that Jim Clements took a course that was offered to distribution designers concerning Underground Residential Distribution (URD) and that concerned how to put cables under the ground. Documentary evidence concerning the Employee Educational Assistance program established that senior drafter Elliot was taking an Applied Systems Analysis Design course at Essex Community College at the time of the hearing and that he completed an Electrical Distribution System course in December 1996. The record further established that he is pursuing an Associate Degree in either management information systems or computer science.

The record testimony established that there are certain inaccuracies in the applicable job description (Er. Exh. 4, #731A) that do not materially affect my determination in this matter. There is no degree requirement for the senior drafters, although they need over six years of experience in substation documentation drafting or the equivalent combination of formal education, training and experience. The record established that six years experience as a drafter is sufficient. They also need a basic knowledge of mathematics, substation civil or high-voltage engineering and construction practices, and the physical sciences to determine design requirements. The record established that they obtain the requisite knowledge of basic mathematics through general education, on-the-job training, and experience. The senior drafters must have the ability to use computers, calculators, CADD, and all standard drafting aids. The job histories of the senior drafters demonstrate that they have extensive drafting experience at BGE. The senior drafters do not have routine storm assignments, but they are used as patrollers during major storms.

I conclude that the senior drafters in 38-02-03 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. The senior drafters perform the same type of work as the designer, except on less complex substation designs. Basic qualifications for the job include over six years experience in substation documentation drafting, and basic knowledge of mathematics, substation civil or high-voltage engineering and construction practices, and physical sciences. Like the designers, the job histories of the senior drafters demonstrate extensive drafting experience. Like the designers, when the senior drafters visit the field, they are accompanied by an engineering classification and spend at least 50 percent of their time working with engineering classifications. The design work performed by the senior drafters in 38-02-03 is very similar to the design work created by project design coordinators in 39-01-07 and designers and other senior drafters, whom I have included in the BGE-wide technical unit in 5-RC-14909. In these circumstances, I conclude that the senior drafters in 38-02-03 are technical employees and should be included in the BGE-wide technical unit. Fisher Controls, 192 NLRB 514; PECO Energy Co., 322 NLRB at 1084 (draftsmen who create schematics to modify systems, using computer assisted design, drafting tables and desks, are technicals); Western Gear Corp., 160 NLRB at 274, 279 (draftsmen creating detailed drawings, utilizing mathematics and variety of technical symbols and exercising independent judgment are

technical); Allis-Chalmers Manufacturing Co., 129 NLRB at 89; Waldorf Instrument Co., 122 NLRB at 806.

Even if it should be determined that the senior drafters in 38-02-03 are not technical employees, I conclude that they perform design work of a technical nature and share a community of interest with other technical employees, including designers, other senior drafters, drafters, service planners and project design coordinators, whom I have included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006. I note that the senior drafters in 38-02-03 perform technical functions and utilize drafting skills that are distinct from the functions and skills of production and maintenance employees. They work under different working conditions than production and maintenance employees and use a new AutoCAD system. They have CADD training similar to that possessed by other technical employees. They have separate immediate supervision from production and maintenance employees and work in an office environment in a unit composed of engineering personnel and other design personnel. They have no significant contact with employees in the production and maintenance unit other than an occasional visit to the construction site with an engineer or engineering analyst to answer questions during the planning stage or concerning proposed modifications to designs. They do not interchange with production and maintenance employees. In these circumstances, I shall include the senior drafters in 38-02-03 in the BGE-wide technical unit with other technical classifications that perform similar design work.

Drafter, 38-02-03

The drafter, Bob Sander, is in pay grade 28. He performs very basic drawing work. He takes vendor drawings and incorporates them into very simple engineering drawings. He prepares a lot of drawings for the Strategic Customer Engineering Unit 39-00-02 that deals with large, strategic customers. Mr. Sander splits time working for 39-00-02 and 38-02-03. When performing work for 39-00-02, he works with either the service planners (who do similar types of drawings), senior service planner work leader, engineering analyst, senior engineer, customer substation consultant, or lead engineer work leader. He incorporates vendor drawings into very simple location plans or drawing packages that are built by construction crews in New Business & Distribution Construction 39-10, 39-11, or 39-12.

The drafter works from home due to a disability. He takes vendor drawings and incorporates them into engineering drawings. He applies the same knowledge and skills as the senior drafters in preparing the drawings. Much of the information he receives is conveyed to him electronically by the engineering analyst, lead engineer or unit supervisor. The record testimony established that he is more or less confined to his house and does not venture out much. His interaction is primarily with the senior drafter, designer, or engineering analyst concerning his contribution to the as-built drawings. The drafter interacts with the service planner or construction personnel primarily by phone call or e-mail and the nature of the interaction concerns the need to change the location of components on the drawing. The record established that the drafter has very little direct contact with construction personnel.

The basic qualifications in the applicable job description (Er. Exh. 4, #688B) require the drafter to have one-year post high school education or training in drafting, algebra, geometry or the equivalent combination of formal education, training and experience. In addition, the drafter must have a demonstrated ability to perform, according to standards of the department, in drawing and revising maps of electric facilities; the ability to make special drawings and displays; and the ability to use personal computers, associated software and mainframe applications. The

record established that a drafter becomes a senior drafter primarily through on-the-job training. The drafter has the same RIA incentive as the senior drafter and designer.

I conclude that the drafter in 38-02-03 is a technical employee who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. The drafter performs the same type of work and utilizes the same knowledge and skills as the senior drafter, except on less complex designs. Basic qualifications for the job include one-year post-high school education or training in drafting, algebra, geometry or the equivalent combination of formal education/training and experience; the demonstrated ability to draw and revise maps of electric facilities; the ability to make special drawings; and the ability to use CADD. The design work performed by the drafter in 38-02-03 is very similar to the design work created by service planners in 39-00-02 and other designing and drafting personnel, whom I have found to be technical employees. In these circumstances, I conclude that the drafter in 38-02-03 is a technical employee and should be included in the BGE-wide technical unit. Fisher Controls, 192 NLRB 514; PECO Energy Co., 322 NLRB at 1084 (draftsmen who create schematics to modify systems, using computer assisted design, drafting tables and desks, are technicals); Western Gear Corp., 160 NLRB at 274, 279 (draftsmen creating detailed drawings, utilizing mathematics and variety of technical symbols and exercising independent judgment are technicals); Allis-Chalmers Manufacturing Co., 129 NLRB at 89; Waldorf Instrument Co., 122 NLRB at 806.

Even if it should be determined that the drafter in 38-02-03 is not a technical employee, I conclude that he performs design work of a technical nature and shares a community of interest with other technical employees, including designers, senior drafters, other drafters, service planners and project design coordinators, whom I have included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006. I note that the drafter in 38-02-03 performs technical functions and utilizes drafting skills that are distinct from the functions and skills of production and maintenance employees. He works under different working conditions than production and maintenance employees. He has separate immediate supervision from production and maintenance employees and has no significant contact with employees in the production and maintenance unit. He does not interchange with production and maintenance employees. In these circumstances, I shall include the drafter in 38-02-03 in the BGE-wide technical unit with other technical classifications that perform similar drafting or design work.

Senior Engineering Technician, 38-02-03

Record testimony in February 2000 established that the Employer intends to eliminate this job in June 2000. See Tr. 7795. The record further established that in early 2000, a Department 38 meeting was held during which early retirement incentive program options were discussed, and slides were shown that indicated, inter alia, that certain jobs would be eliminated in the future, including the senior engineering technician job in 38-02-03.

The senior engineering technician, John (Jack) Mandley, is in pay grade 31. He is used as a project manager, facilitator, and coordinator. The lead engineer and senior engineer also act as project managers. The senior engineering technician performs the same job functions as these project managers, only on less complicated jobs.

The senior engineering technician receives the scope of project assignment from the lead engineer or unit supervisor. He then assembles project teams and calls monthly meetings of critical team members. Such members include the engineering analyst from the design staff, the

construction engineering specialist and construction supervisor or designee from 38-13, and the outage scheduler,⁹ senior outage analyst, or system operations analyst (excluded classification) from the Outage Management Unit in 37-10-02. He solicits their input concerning estimates for the length of time, man hours and costs of the projects. He then makes presentations to leadership for approval of the estimates.

Thereafter, the senior engineering technician manages the project, including engineering and design detail, in accordance with service dates and acceptable cost limitations. If a project is not progressing properly, the senior engineering technician brings the matter to the attention of the lead engineer. At the end of the project, the senior engineering technician prepares a "cost close out report" commonly referred to as "Lessons Learned." The senior engineering technician also makes sure that as-built drawings are taken from the field and delivered to design personnel for proper updating. The senior engineering technician holds a close out meeting with critical team members. The senior engineering technician also prepares reports for the principal engineer that show the estimated cost and man hours versus the actual costs and man hours on a project by project basis.

At that time of the hearing, the approved budget for 2000 had about 120 projects. A typical project might involve relay replacement by 38-20 at various substations. If there is a project that involves outside contractors, the senior engineering specialist would contact the construction engineering specialist in 38-13. The construction engineering specialist would administer the outside contract. The construction engineering specialist would assign a construction inspector to inspect the contractor's work to make sure it is done properly. The construction inspector is typically a senior substation mechanic or substation mechanic in 38-13. The senior engineering technician visits the job site periodically and interacts with the construction inspector and construction engineering specialist to insure that project progress is proceeding smoothly.

The senior engineering technician typically interacts daily with the construction engineering specialist on a formal and informal basis. These classifications sit close to one another and review project development issues such as the availability of materials, the progress on designs, and the progress on construction. The senior engineering technician may interact with substation crew leaders during visits to the field or during phone calls to discuss material shortages, job progress, project costs, and man hour utilization. Principal Engineer, Donald Sandruck, testified that the senior engineering technician is in the field about 50 percent of the time and spends half of that field time working on jobs that originate from the Substation Construction, Operations, & Maintenance Master Section 38-10. The senior engineering technician interacts with the engineering analyst or designer in 38-02-03. The senior engineering technician spends about 25 percent of his time working with monthly employees.

The senior engineering technician needs to have a broad knowledge of the functionality of equipment and the symbology associated with the equipment. The senior engineering technician has received CADD training. The senior engineering technician needs to have a general understanding concerning design procedures and guidelines and receives assistance, when needed, from the engineering personnel in 38-02-03.

⁹ The purpose of involving the outage scheduler is to identify early in the Project whether certain components of the substation can be taken out of service when needed.

The record testimony established that there are certain inaccuracies in the applicable job description (Er. Exh. 4, #738A). For example, the senior engineering technician does not perform testing on instrumentation or equipment. The senior engineering technician does not develop and implement complex design standards or construction standards. The senior engineering technician does not perform complicated technical studies, prepare technical reports or negotiate contracts. The senior engineering technician was not required to take the Technician Occupation Selection System Test. Principal Engineer Sandruck testified on direct examination that there is no requirement that the senior engineering technician have any degree or specialized technical training. However, on cross-examination, he testified that the basic qualifications in the applicable job description are accurate. Those basic qualifications require two years of post-high school technical training and six years of technical job experience or the equivalent combination of education, training and experience. In addition, the record established that the senior engineering technician has an Associate of Arts Degree. See Pet. Exh. 63.

The senior engineering technician has a construction background and was previously an electric station operator, construction engineering specialist, and senior distribution technician. During storm emergencies, the senior engineering technician has served as a driver and has been teamed up with designers, who have functioned as patrollers. The senior engineering technician has the same RIA incentive as the design personnel in the 38-02-03.

I conclude that the senior engineering technician in 38-02-03 is a technical employee who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Basic qualifications for this position require two years of post-high school technical training and six years of technical job experience or the equivalent combination of education, training and experience. In addition, the record established that the senior engineering technician has an Associate of Arts Degree. The senior engineering technician has received CADD training and must have a general understanding of design procedures and guidelines like other technical employees included in the BGE-wide technical unit.

Even if it should be determined that the senior engineering technician in 38-02-03 is not a technical employee, I conclude that he shares a community of interest with other technical employees to be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006. I note that the senior engineering technician performs the same job as the lead engineer and the senior engineer, working as a project manager on less complicated jobs. He shares supervision with other technical employees in the unit and is paid at about the highest weekly pay grade, like many other technical employees throughout BGE. His skills and functions are distinct from those of production and maintenance employees and he works under different working conditions than production and maintenance employees. He does not interchange with production and maintenance employees. In these circumstances, I shall include senior engineering technician in 38-02-03 in the BGE-wide technical unit with other technical classifications with whom he shares a community of interest.

Equipment Eng. & Doc. Support Unit, 38-02-04 – Supervisor, Paul Frey

There are two groups in this unit. The Equipment Engineering Group is responsible for the specifications of all major substation equipment and for part of the procurement function. The Document Support Group has responsibility for managing all of the engineering documentation concerning substations, including engineering blueprints, engineering drawings and numerous standards that are maintained in the Document Management System.

The parties dispute the placement of two job classifications within Unit 38-02-04. BGE contends that the principal administrative assistants and senior administrative assistants should be included in the BGE-wide production and maintenance unit. The Petitioner contends that these classifications should be excluded.

Principal Administrative Assistant, 38-02-04

There are two principal administrative assistants, Dawn Baker and Denny Vendetta, in pay grade 28. They are supervised by the senior engineer work leader in work group 2, who also supervises the engineer (excluded classification). They spend 80 to 85 percent of their time in the Windsor Office Building (WOB). They work a flexible 9/40 schedule. They work nine hours for eight days and eight hours for the ninth day over a two-week period. They have the tenth day off.

They are responsible for making certain that equipment and material are available for the construction crews. They spend about 10 percent of their time taking equipment rating information off engineering drawings and entering that information into a computer database called Maximo that generates maximum summer ratings, maximum winter ratings, and maximum emergency ratings for each of substations.¹⁰ The principal administrative assistants also reviews the one-line diagrams that are generated by design personnel to determine the components and materials that are needed for a project. As noted, the list of materials is generally set forth by the designer or drafter on the one-line diagram. The principal administrative assistants keep track of the requisite materials and components in a database. They issue requisitions to the Purchasing Department and follow up on purchase orders. They follow up with vendors and suppliers concerning delivery arrangements. They contact vendor and suppliers to expedite orders for various pieces of equipment. They regularly handle phone calls from a construction supervisor or crew leader in the field concerning material or equipment that has not been delivered. They occasionally visit job site staging areas to count parts or to verify inventory or quantities delivered. This has happened only six times since the April 1, 1999 reorganization in this unit. They check the Purchasing & Materials Management Inventory System to make sure that there are sufficient quantities of stock items to meet the needs of ongoing projects. If not, they can order the necessary materials up to \$20,000, without approval. If a stock item is needed, they order on line from the warehouse at Fort Smallwood or the RBC warehouse across the street. If a non-stock item needed, they forward a requisition to a buyer or senior buyer (excluded classifications). They typically interact with the senior engineer work leader, field construction supervisor and possibly the crew leader concerning the ordering of materials or equipment. They order materials at the request of the project manager.

They provide some procurement support for the Transmission Construction Unit in 36-01-02, although this unit has relocated from the WOB to Front Street since the April 1, 1999 reorganization. Unit Supervisor, Paul Frey, testified that he was unsure of the nature of the procurement support that the principal administrative assistants presently provide to 36-01-02.

The principal administrative assistants occasionally interact with construction crew members over the phone concerning material issues and may interact face-to-face every other

¹⁰ Maximo is a database that is used by the maintenance personnel in 38-11 and operations personnel in 38-12 to issue maintenance work orders and to verify operations ratings. The record established that personnel from these areas pull up the Maximo screen on the computer system, and do not need to contact the principal administrative assistant.

week. Construction crews are occasionally in the W0B from time to time. Usually, however, if substation crews need material in the field, they contact the construction supervisor or construction engineering specialist rather than the principal administrative assistant. The principal administrative assistants interact with truck drivers on a face-to-face basis at the W0B concerning the deliveries of equipment and stock materials to job sites.¹¹ The principal administrative assistants and storeroom coordinator interact when there is confusion with paperwork or when the storeroom coordinator needs to know what has been ordered for a particular job through the stock material system.

The principal administrative assistants each have collateral functions for Department 38 employees in the W0B. Denny Vendetta is responsible for monitoring cell phone use. Dawn Baker is responsible for completing and monitoring paperwork associated with vehicle inspections. Ms. Baker is also the flexible benefits coordinator. She answers questions concerning health-care selections and insurance issues. She also is very familiar with connector specifications and handles most issues related to connectors. Ms. Baker was a driver for a patrol team during Hurricane Floyd.

The local RIA team goals for the principal administrative assistants concern reinstitution of the Preliminary Bill of Materials System concerning stock materials and development of a database system for tracking non-stock materials. The job histories of the principal administrative assistants reflect that they have held only clerical positions at BGE. See Pet. Exh. 68 and 69. In 1996, the principal administrative assistants were procurement coordinators in 95-00-05. I found them to be office clericals, whom I excluded from the production and maintenance unit. See Er. Exh. 9C at 6-15.

I conclude that the principal administrative assistant in 38-02-04 should be excluded from any of the units found appropriate herein. The principal administrative assistants have different skills and functions than unit employees. They work almost exclusively in an office environment, under different conditions and supervision than unit employees. They essentially order parts and enter ratings limits concerning the amount of energy that components are capable of supplying into the Maximo database. They have minimal contact and no interchange with unit employees. They have separate supervision from unit employees and work in a unit that consists of other clerical employees and monthly employees. Nor is there evidence that their skills and duties are sufficiently like those of technical employees to warrant inclusion in the BGE-wide technical unit. In these circumstances, I shall exclude the principal administrative assistants in 38-02-04 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Brown & Root-Northrup, 174 NLRB 1005-06.

Senior Administrative Assistant, 38-02-04

The senior administrative assistants are in pay grade 26 in work group 3. They are supervised by the principal administrative assistant work leader in work group 3. There are no other classifications in this work group. They work base hours between 8 a.m. and 4:30 p.m. They work in the Document Control Room in the Windsor Office Building. This room contains a lot of filing space and is not immediately adjacent to other office space. On a typical work day,

¹¹As noted elsewhere, the truck drivers receive assignments from the storeroom coordinator in 38-13, pickup materials from the RBC warehouse across the street from the W0B, and then deliver them to the job site.

they spend all of their time in the W0B between the Document Control area and the Design and Drafting area in the same building.

They are responsible for document management or control of engineering drawings. They maintain the Engineering Document Management System, an electronic database of all engineering drawings. They also maintain a vault of engineering records that they update and file. They have engineering drawings of substations hanging in their work area.

They receive engineering drawings electronically from the designers and drafters in 38-02-03 and 38-21-03 and 04. They complete index information for these drawings and then send them out electronically to organizational units on the distribution list. They also generate paper copies in the Document Control Room for organizational units on the distribution list. The field supervisors and construction engineering specialist in 38-13 receive copies. The senior administrative assistants also make typographical or editorial type changes to the text (but not the symbology) on engineering drawings. One of the senior administrative assistants, Bernice Floyd, has CADD training. The record established that the training for the other senior administrative assistants had to be rescheduled because of Hurricane Floyd. BGE contemplates that the other senior administrative assistants will receive CADD training in the future.

The senior administrative assistants primarily interact with the designers and drafters in 38-02-03 and 38-21, who report to same building. Senior administrative assistant, Bernice Floyd, interacts with design personnel more than the other senior administrative assistants, although the record does not reflect whether this is because of her CADD training.

The senior administrative assistants participate in departmental training and the Results Incentive Award (RIA) program. In 1996, they were called engineering document processors in Unit 95-00-05. See Er. Exh. 9C, p. 6-15. Their primary responsibility involves maintaining original engineering drawings and has remained the same. The title change from engineering document processor to senior administrative assistant occurred on March 2, 1998. Since 1996, the Document Control group has received large format printers with folders that have facilitated the copying, folding and packaging of engineering drawings. One senior administrative assistant, Hilda Lijewski, copies, folds, and packages engineering documents about 100 percent of her time.

I conclude that the senior administrative assistants in 38-02-04 are office clerical employees, who should be excluded from any of the units found appropriate herein. They have different skills and functions than unit employees, they work exclusively in an office environment performing clerical and document-management tasks, they have separate immediate supervision from production and maintenance employees or technical employees, and they do not interchange with unit employees. In these circumstances, I shall exclude the senior administrative assistants in 38-02-04 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

Former Substation Ops. & Maint. Analysis Unit, 38-02-05

The former Substation Operations & Maintenance Analysis Unit provided engineering and analysis support, resource planning and scheduling, and administrative and procurement support to the Substation Operations & Maintenance Section 38-12-01 and to the Substation Shift Operations/Maintenance Section 38-11-01.

As noted, the parties stipulated that this unit was eliminated and that the positions in dispute in former Unit 38-02-05, resource planning specialist, senior administrative assistant, and storeroom coordinator, were transferred to 38-12-01. The parties further stipulated that these classifications continue to perform the same duties in 38-12-01 as in the former unit and as was presented in the hearing.

The Employer would include the resource planning specialists, senior administrative assistants, and storeroom coordinator in the BGE-wide production and maintenance unit. The Petitioner would exclude these classifications.

Substation Operations and Maintenance Section 38-12-01

There are three Substation Operations & Maintenance Units in this Section. The parties have agreed to include the lead substation technicians, senior substation technicians and substation technicians in the BGE-wide production and maintenance unit.

As noted above, the classifications discussed below were transferred from former 38-02-05.

Resource Planning Specialists, 38-12-01 (formerly 38-02-05)

There are four resource planning specialists in pay grade 31. They typically work 7 a.m. to 3:30 p.m. They are on-call on a four-week rotation. They report to work in a large room that is used for resource planning, at the Lord Baltimore Building. The senior administrative assistants and the engineering analyst (excluded classification) have desks in the same area in a typical office environment. The lead substation technicians, senior substation technicians, and substation technicians have workspace in the same area. Although the lead substation technicians, senior substation technicians, and substation technicians use this area as a home base, they often report directly to the job site and spend about 80-90 percent of their time in the field, except when performing shop work or in a tracking class. The resource planning technicians spend about 90 percent of their time at the Lord Baltimore Building. The other 10 percent of their time is spent either at a substation looking over a job or delivering parts, at the materials warehouse, or at the storeroom/shop area at the Lord Baltimore location.

As their job title suggests, the resource planning specialists provide resource planning for all Substation Operations & Maintenance work performed by substation crews in 38-12 and for all Substation Shift Operations work performed by substation shift crews in 38-11. They are also the single point of contact for Bulk Power Operations between 7 a.m. and 3-30 p.m., Monday through Friday, and for any trouble that is reported on the substation systems. They meet with field supervisors every two weeks to plan the next 30 days worth of preventive and corrective maintenance work. The resource planning specialists then generate a work order out of Maximo and start the development of a work packet that contains all kinds of documentation such as safety check-off sheets, outage request sheets, equipment diagnostic check-out sheets, and work orders for the job. The resource planning specialists hand off the work packet to the senior administrative assistants, who obtain all the necessary forms and material and send the work packet to the field supervisor. The field supervisor or lead technician designee reviews the work packet, determines what outages will be needed, discusses what equipment is needed with the resource planning specialist and then completes the work packet paperwork and sends it back to the senior administrative assistant. The senior administrative assistant will submit any outage request to the Outage Management Unit through a computer application called Oscar. Once the

outage request is granted or "scheduled," the senior administrative assistant advises the resource planning specialist. The resource planning specialist checks to make sure that all necessary equipment is ordered and checks with the field supervisor and substation technicians to make sure they have everything they need.

Substation Operations & Maintenance work often involves heavy electrical equipment such as huge transformers and breakers that require cranes and man lifts. Sometimes, the resource planning specialist must arrange for the rental of equipment. The resource planning specialists also coordinate arrangements for test equipment at substations with the construction engineering specialists in 38-13. The resource planning specialists spend only about 5 percent of their time interacting with engineers and engineering analysts.

The resource planning specialist is in daily contact with either the field supervisor, lead substation technician, senior substation technician, or substation technician when planning jobs. A majority of this contact is face-to-face in the large resource planning area at the Lord Baltimore Building or on the job site at the substation. The resource planning specialists visit substation jobsites anywhere from once or twice a week to several times a week to determine what equipment and outage conditions are needed. Often, the resource planning specialist is accompanied by a field supervisor or lead substation technician designee. As noted, they wear personal protective equipment when entering the substation. The record established that at least several times a week, the resource planning specialists and substation technicians interact to share technical expertise. They have been used as technical consultants to support the training unit. Specifically, the resource planning specialists have provided several hours of Current Transformer/Potential Transformer (CP/PT) training, that involves small metering transformers, to substation technicians in 38-12 at the Lord Baltimore Building.

The resource planning specialist procure spare parts, when needed, for field supervisors, substation technicians, senior substation technicians, and lead substation technicians. Typically this is done on line, although the resource planning specialists make trips to the storeroom to verify what is in stock and sometimes fill out paperwork there. A lot of parts are similar, but not quite the same. When procuring spare parts, the resource planning specialist is usually fielding requests from the senior substation technician or lead substation technician (included production and maintenance classifications). The resource planning specialist looks in Maximo for parts and contacts the Purchasing Department at the Rutherford Business Center warehouse. The resource planning specialist also performs database research for unit supervision.

The record established that the resource planning specialists have hands-on experience working in field crews and have spent many years in the field as either an electrical tester, substation construction mechanic or substation shift operator. The resource planning specialist basically needs the same knowledge of substation equipment that the substation technician crews need. The resource planning specialists rarely perform maintenance work at the substation themselves, although they occasionally assist substation crews, if necessary.

The record established that the resource planning specialists were called resource technical specialists in 1996 and that the job responsibilities have not changed since then. The parties agreed to include the resource technical specialists in the system-wide unit petitioned for in 1996. See Er. Exh. 9C, p. 6-10.

During Hurricane Floyd, the resource planning specialists dispatched patrollers. Each of the resource planning specialists has a primary function such as planning or scheduling shift

operations work, planning operations and maintenance work, gauge calibration, electrical testing with high-voltage equipment, and current transformer/potential transformer testing. They need to keep up their proficiency and knowledge in primary areas and develop knowledge in the other areas.

The record established that the applicable job description (Er. Exh. 4, #683B) is accurate when read in conjunction with record testimony, as set forth above. The resource planning specialists participate in Results Incentive Award (RIA) program and share local goals with the senior administrative assistants and storeroom coordinator. The engineers and engineering analyst have another set of local team goals.

I conclude that the resource planning specialist in 38-12-01 (formerly 38-05-02) shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit in 5-RC-14909. The resource planning specialists perform work that is functionally integrated with and essential to production and maintenance work. They plan and schedule all maintenance work performed on the substations by the Substation Operations and Maintenance Section 38-12, as well as the work performed by the Substation Shift Operations Section 38-11. They often work with the lead substation technicians when doing so. Based on their field background with substation technician work, they analyze the nature of the maintenance work to be done, what equipment will be required to do the work, and what qualifications the substation technicians must have, and then they coordinate the work. The resource planning specialists put together a work packet for each job and talk with a lead substation technician or a maintenance supervisor about the nature of the job and what outage conditions are necessary.

On a daily basis, the resource planning specialist order parts and makes sure that all necessary parts and equipment such as cranes or man-lifts are at the jobsites. They communicate daily with the lead, senior, and substation technicians at the Lord Baltimore Building in the morning or afternoon, and they also communicate by telephone and radio during the day. These daily conversations basically concern any issues that may arise from the field concerning the nature of the maintenance work to be done. The resource planning specialists also visit the substation sites up to several times a week to consult with the various substation technicians to determine the best way to perform the work with the necessary equipment. Because of their experience and knowledge regarding the maintenance work, the resource planning specialists are often consulted by the various substation technicians regarding the work to be done.

The resource planning specialists work the same hours as the substation technician crews and receive some of the same training as substation technicians, such as electric testing training. Moreover, the resource planning specialists sit in close proximity with the various substation technicians, which facilitates daily interaction, and they share the same common areas within the Lord Baltimore Building. Finally, I note that the resource planning specialist shares common supervision with the storeroom coordinator in 38-12-01 (formerly 38-02-05), whom I have included in the BGE-wide production and maintenance unit, as explained below. In these circumstances, I conclude that the resource planning specialist shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit in 5-RC-14909.

Storeroom Coordinator, 38-12-01 (formerly 38-02-05)

There is one storeroom coordinator in pay grade 27. The storeroom coordinator works 7 a.m. to 3:30 p.m.. The storeroom coordinator spends about 85 percent of his time at the Lord Baltimore Building. He wears work pants, jeans, or coveralls and some type of apron, when necessary, to keep himself clean. The storeroom coordinator is responsible for keeping track of instruments that are taken from the storeroom to the field. The storeroom coordinator has direct face-to-face contact with the substation technicians in 38-11 and 38-12. They visit the storeroom just about every morning to sign out instruments, and in the afternoon to return them. The substation technicians may also be assigned to work in the shop/storeroom on any given day. There is always some work to be done in the shop/storeroom area such as CT/PT testing, testing bushings, or building portable equipment.

The storeroom coordinator spends about 15 percent of his time delivering parts to substation technicians at jobsites, much like unit truck drivers. The storeroom coordinator sends defective instruments to the repair facility. The storeroom coordinator makes sure that stock materials kept in the shop area are updated. He uses a procurement card to order equipment, as do resource planning specialists, senior administrative assistants, other storeroom coordinators, and some engineers and engineering analysts. The storeroom coordinator is responsible for assisting the substation technicians to obtain all the materials they need for their daily work. He typically visits the Purchasing warehouse to obtain material. He operates a forklift. He takes drums of waste oil and antifreeze and hauls them to the Rutherford area. He is responsible for insuring that deliveries to the loading dock area from UPS or FedEx are directed to the right location. He assists substation technicians with gauge calibration. He keeps track of dates for routine calibration of equipment. He delivers mail to the mail room.

The storeroom coordinator, substation technicians, engineers and engineering analyst, resource planning specialist, and telecommunications personnel all use the loading docks at the Lord Baltimore Building. The substation technicians and the storeroom coordinator usually unload materials and equipment from the loading dock to the storeroom. The storeroom coordinator drives a forklift to move material around. The substation technician may operate a crane to unload bushings. Three or four of the substation technicians have been trained to fill in for the storeroom coordinator when he is absent.

The storeroom coordinator has received department safety training and forklift training. He participates in the Result Incentives Award (RIA) program and has the same local goals as the resource planning specialist. The record established that the parties agreed to include the storeroom coordinator in the system-wide production and maintenance unit petitioned for in 1996. See Er. Exh. 9C, p. 6-7. The record further established that the applicable job description (Er. Exh. 4, #818A) is an accurate summary.

I conclude that the storeroom coordinator in 38-12-01 (formerly 38-02-05) shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit in 5-RC-14909. Like the resource planning specialists, the storeroom coordinator performs work that is functionally integrated with and essential to production and maintenance work. Specifically, the storeroom coordinator is charged with keeping track of instruments and equipment that are checked in and out by the substation technicians each day. He is also responsible for maintaining the stock of necessary materials in the storeroom and ordering such materials as required to ensure that the substation technicians

have every thing they need to perform their maintenance work. The storeroom coordinator has daily face-to-face contact with the lead substation technicians, senior substation technicians, and substation technicians and regular contact with substation technicians who spend significant time actually working in the storeroom when testing and calibrating new equipment. The storeroom coordinator assists substation technicians with some of this work in the shop. In addition, the storeroom coordinator regularly delivers parts to the various substation technicians at job sites. The storeroom coordinator also works directly with substation technicians to unload instruments and equipment at the loading dock and to move these items into the storeroom. He operates a forklift to move items around the storeroom, pick up equipment from the warehouse, and haul waste materials to the waste site. Substation technicians fill in for him when he is unavailable. He works the same hours and receives the same general training as the substation technicians. He shares supervision with the resource planning specialists, whom I have included in the unit. In these circumstances, I conclude that the storeroom coordinator in 38-12-01 (formerly 38-02-05) shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. Cf. Global Marine Development, Inc., 216 NLRB 325, 326 (1975); Libbey Glass Division, 211 NLRB 939, 941 (1974).

Senior Administrative Assistants, 38-12-01 (formerly 38-02-05)

There are three senior administrative assistants, Judy Weinbrenner, Linda Clark, and Diana Harmon, in pay grade 26. They are directly supervised by the unit supervisor. They work 7 a.m. to 3:30 p.m., with some flex time. They spend about 95 percent of their time in a typical office environment in the Lord Baltimore Building. They provide administrative support for Substation Operations & Maintenance and play a key role in planning and scheduling. They put together work packets for the resource planning specialists so that the resource planning specialists can spend more time locating parts and performing planning functions. They communicate with senior or lead substation technicians when clarification is needed concerning information in the work packet. Once the work package is complete and signed off by the field, the senior administrative assistants inputs data from the work packet into Maximo.

The senior administrative assistants dispenses substation keys, work boots, safety glasses, and card keys for the Lord Baltimore Building, Windsor Office Building, and Electric Operations Building. They maintain all the paperwork and forms associated with these items. They keep track of vacation scheduling in all the units so that the resource planning specialists are able to plan their work. They regularly communicate with resource planning specialists, who are located in cubicles in the same room. The senior administrative assistants electronically submit outage requests that they receive from the resource planning specialists to the outage coordinator through Oscar.

The senior administrative assistants keep time entry records and coordinate vacation schedules. They perform a lot of administrative work in the morning. Every morning at 7:40 a.m., there is a briefing session for supervisors and engineers. The senior administrative assistants print out and make copies of system operations developments from the day before and circulate these copies to supervisors. They also generate morning briefing reports that list all new corrective work orders for the day. They perform photocopy tasks. They perform typing tasks for unit personnel. They deliver mail and paychecks. They keep track of procurement card paperwork. They call in personnel for storm duty. They receive departmental safety training and have taken computer courses. They share local RIA goals with the unit.

The senior administrative assistants were called unit support clerks in 1996. Back then, they were not involved in the resource planning and scheduling activities that they are involved in today. Otherwise, however, their basic job duties have remained the same.

I conclude that the senior administrative assistants in 38-12-01 (formerly 38-02-05) are office clerical employees, who should be excluded from any of the petitioned-for units. They have different skills and functions than unit employees and work under different conditions. They work exclusively in an office environment performing clerical, administrative and support tasks such as photocopying, typing, delivering mail, and maintaining vacation schedules. They do not interchange with unit employees and their work is not predominately integrated with production and maintenance or technical work. There is no evidence that their skills and duties are sufficiently like those of technical employees to warrant inclusion in the BGE-wide technical unit. In these circumstances, I shall exclude the senior administrative assistants in 38-12-01 (formerly 38-02-05) from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

Substation Construction Sec., 38-13-01 through 06– General Supervisor, William Bambarger

This Section builds new substations and performs capital construction on existing substations. The Substation Construction Section has five Construction Units, 38-13-02 through 06, each headed by a unit supervisor, who reports to General Supervisor, Bill Bambarger. Substation crews consist of substation crew leaders, senior substation electrical mechanics, and substation electrical mechanics (included production and maintenance classifications). The substation crew leader is a lead person who performs actual, hands-on construction work. The substation crews usually report directly to the job site and leave the job site for home at the end of the day. They spend no more than 30 or 45 minutes in the office area at the Windsor Office Building (WOB). General Supervisor Bambarger testified that field people and office people attend project meetings at the WOB. He testified that the "office people" would include designers, senior drafters, drafters and senior engineering technicians in 38-02.

There are two job classifications at issue in the Substation Construction Section Office, 38-13-01. This Office provides support to the Construction Units. The Employer would include the construction engineering specialists and the storeroom coordinator in the BGE-wide production and maintenance unit. The Petitioner would exclude these classifications.

The parties stipulated that the Substation Construction Unit (38-13-06) was eliminated and the employees were transferred to Unit 38-12-05. The parties further stipulated that there were no changes in job functions or working relationship for any of the jobs. There are no classifications in dispute in former 38-13-06.

Construction Engineering Specialist, 38-13-01

There are two construction engineering specialists, Vince Peranio and Nancy Rosenberger, in pay grade 31 in 38-13-01. They are directly supervised by General Supervisor Bambarger, who also supervises the senior construction analyst (excluded classification), storeroom coordinator (disputed classification), secretary (excluded classification), and truck drivers (included production and maintenance classification).

The construction engineering specialists report each day to cubicles in a typical office environment on the first floor of the Windsor Office Building (WOB). They spend most of their time, however, in the field. They are very field-oriented. They work from 6 a.m. to 2:30 p.m., like the truck drivers in 38-13-01. They work a fair amount of overtime. They have a desk, a computer and file cabinets. They are located in close proximity to the desks of construction supervisors. The designers, senior drafters and drafters in the System Control Unit 38-21-04, sit about 30 or 40 feet away and are separated by a myriad of halls. The construction engineering specialists have company vehicles (4-wheel drive Blazers or Broncos) that they take home with them.

Each construction engineering specialist has their own region. They are responsible for estimating functions and for job coordination with the supervisors of construction in 38-13. They provide cost, labor, material, and contracting estimates to project managers (senior engineers, senior construction analyst, and engineering analysts) concerning how much it will cost to construct certain capital projects. They may work on 8 to 15 projects during the same time frame. The estimates are used by the scheduling analyst (excluded classification) in 38-00-03 to schedule time and man hours into a P-3 scheduling system. The construction engineering specialists coordinate with the System Protection Unit in 38-21 and sometimes obtain parts or services for this unit. They coordinate pre-bid meetings and analyze bids for specialized construction activities such as rigging, fencing, grading or paving that are performed by contractors. They brief contractors on safe work practices. They approve the invoices or bills of these contractors. Substation crew leaders, the designer from Civil Engineering, and construction supervisors are also sometimes present at pre-bid meetings with contractors. The construction engineering specialists spend about 10 or 15 percent of their time dealing with contractors.

The construction engineering specialists coordinate the delivery and fabrication of structural steel and reinforcing bars with the former shop technicians in the Department 25 fabrication shop (25-07-09) at Fort Smallwood. They prepare a job package and forward it to the Fabrication Shop Supervisor, who assigns it to a former shop technician. The shop package typically includes a written work order that indicates the charge account number for the ETDD budget, the location of the job, and the quantity of fabricated material needed. The shop package also includes a steel fabrication drawing prepared by the designer in 38-02-02. The engineer or engineering analyst in 38-02-02 sign off on the final design. The construction engineering specialist also includes a note indicating that the storeroom coordinator should be notified by the former shop technicians to arrange for pickup once the fabricated steel has been galvanized. If there are fabrication problems, the former shop technicians convey the problem to the construction engineering specialists, who inform the designer. BGE also has blanket contracts with outside fabrication shops. General Supervisor Bambarger testified that after electrical deregulation takes place in July 2000, BGE may elect to rely more on outside fabrication suppliers if overhead costs place the Department 25 fabrication shop outside the competitive market.

The construction engineering specialists spend about 20 to 25 percent of their field time visiting construction areas at substations to put together estimates. On a typical substation job there are four or five three-man crews at work. Mobile maintenance crews may also work on the construction of the substation and they charge their time to the ETDD charge account number. The construction engineering specialist interacts with substation crew leaders, senior substation electrical mechanics and substation electrical mechanics in 38-13 and sometimes with lead relay and control technicians and senior relay and control technicians in 38-20 if control wiring and relay checking is in progress. General Supervisor Bambarger testified that on a large job such as

the construction of the substation at Riva Road in Annapolis, a senior substation electrical mechanic would see the construction engineering specialist at the job site a couple of times a week and maybe more often.

Because they spend substantial time at the substation sites, the construction engineering specialists sometimes take parts and materials to the site for both the construction crews and the relay and protection crews. The construction engineering specialists may deliver to the relay and control technicians at the substations some pre-wired sockets that the relays are plugged into. They interact with construction crew personnel concerning where to make connections to cables, or whether there is a need to fabricate a temporary structure to hold those cables. The construction engineering specialists walk down job sites with the substation crew leaders, who usually have input into the estimating process. General Supervisor Bambarger testified that the construction engineering specialists attend tailgate safety meetings if they are in the field. The tailgate meetings start first thing in the morning. They may spend a very small percentage of their time in the field visiting vendors, local manufacturers, or railroad sidings where equipment is unloaded. Construction engineering specialist, Vince Peranio, occasionally visits Calvert Cliffs to make arrangements for work at the substation at Calvert Cliffs. He is in the very early stages of planning a large job that will be performed by the Substation Construction Section 38-13 to replace the unit transformers at Calvert Cliffs in 2002.

The construction engineering specialists play a key role in the procurement of necessary materials such as timbers for the construction of temporary foundations that may be necessary because out weather-related or scheduling problems. They coordinate construction of temporary foundations with field construction personnel and the designer in the Civil Engineering Unit 38-02-02. They usually interact with the designer face-to-face because they are located in the same office. The construction engineering specialists give the designer a vendor's drawing that indicates the size and dimensions of a particular piece of equipment and the designer sketches a temporary foundation to hold that piece of equipment. The construction engineering specialist then faxes or hand carries the design to the substation crew leader at the job site and confirms that the equipment is installed in accordance with the design. The construction engineering specialists also write orders biweekly or monthly to buy specific items for substation crew leaders or senior substation electrical mechanics

About once a month, the construction engineering specialists are called in to work from home during emergency situations, such as when major transformers fail and large mobile transformers must be installed at substations. They would coordinate the use of the mobile transformer with lead substation technicians in 38-11-02, 03, or 04. They wear the same personal protective equipment as substation field personnel, although they do not wear steel-toed shoes because they are not actually involved in hands-on construction activities.

The construction engineering specialists generally have the same substation and CPR training as the substation crew leaders and substation electrical mechanics concerning exposure to high voltages in substations. The construction engineering specialists are hazardous materials coordinators. They prepare hazardous waste manifests and coordinate disposal of hazardous wastes through contractors. The construction engineering specialists participate in the Results Incentive Award (RIA) program and generally have the same local goals as other unit classifications. They sit on a committee that is involved with long-term scheduling of outages. They interact with project managers, substation crew leaders and substation construction supervisors either face-to-face or at monthly progress meetings to ascertain equipment needs for upcoming outages. About 5 to 10 percent of their workload concerns outage coordination.

Vince Peranio has a widespread field construction background and was previously the equivalent of a substation crew leader. He posted for the construction engineering specialist job and was interviewed, evaluated, and hired by General Supervisor Bambarger. Nancy Rosenberger was previously in the maintenance organization and has a strong background in the operation of substations. The record testimony established that she interacts very well with the substation crew leaders and senior substation electrical mechanics.

The construction engineering specialists are contacted during emergency operations to coordinate rigging or other services. They participate in storm restoration duties as patrollers. Nancy Rosenberger also backs up the storeroom coordinator, who is the primary dispatcher for storm crews.

With respect to the applicable job description (Er. Exh. 4, #697B), the record established that the Master Section no longer performs maintenance functions at substations and therefore the construction engineering specialists are not involved in any maintenance activity. In addition, the construction engineering specialist does not clarify and interpret drawings, specifications and procedures, and does not prepare step-by-step procedures, detailed sketches or cross sections as required for the installation and maintenance of equipment.

I conclude that the construction engineering specialists in 38-13-01 share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit. They share supervision with the storeroom coordinator and truck drivers, who are production and maintenance employees and they work the same hours as the truck drivers. Like production and maintenance employees, they spend most of their time in the field. They perform work that is functionally integrated with production and maintenance work. Their job responsibilities center around coordinating the field work done by the substation crew leaders and senior substation electrical mechanics in 38-13-02 through -06, and the lead relay and control technicians and senior relay and control technicians in Section 38-20, who are undisputed production and maintenance employees. As part of the estimating process, they normally meet with the substation crew leader at the job site to look at the work to be done and discuss how to do it.

During the course of the construction project, the construction engineering specialists have regular contact with the substation crew leaders and senior substation electrical mechanics, in person at the job site, at the Windsor Office Building, and by telephone and by fax. This interaction concerns parts and materials that are needed at the job site, disposal of hazardous waste materials, and when and how large equipment such as transformers will be delivered to the site. If a substation transformer fails, the construction engineering specialists help coordinate use of a mobile transformer with both the lead substation technicians and the construction crews that install the mobile transformer. In addition, they deliver parts and materials to the site for both the construction crews and the relay and protection crews. In order to perform their job, the construction engineering specialists must have extensive knowledge of the construction process and substation equipment. In fact, one of the construction engineering specialists worked for many years as the equivalent of a substation crew leader, and the other has substantial maintenance experience. The construction engineering specialists receive much of the same training concerning CPR and hazardous material as the substation crew leaders and senior substation electrical mechanics, and attend training with them. When the storeroom coordinator is absent, a construction engineering specialist will fill in for him and make sure that truck drivers are dispatched and that stock orders are issued. In these circumstances, I conclude that the

construction engineering specialists in 38-13-01 share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Storeroom Coordinator, 38-13-01

There is one storeroom coordinator, Alan Howdyshe, in pay grade 27 in 38-13-01. The storeroom coordinator also works on the first floor of the WOB in a shop/receiving/storage area that contains some shop benches, storage bins, an overhead door and the loading dock. The storeroom coordinator spends about 99 percent of his time in this area and rarely goes to a job site. The storeroom coordinator has a desk in this area. Materials that are purchased from outside vendors are staged in this area pending delivery to a job site by the truck drivers in 38-13-01. There are cabinets in this area where hard hats, safety glasses, boots, gloves and comfort items are kept. The storeroom coordinator is qualified to operate a forklift. He does not use a forklift in the storeroom, however, because there is not enough room to maneuver one. The storeroom coordinator has a radio console in this area that he uses to contact field trucks that are equipped with an 800 MHz radio.

The truck drivers initially report to the nearby Transportation Building in the morning because the parking lot at the WOB is too small for them to park their trucks there. The truck drivers then report to the storeroom area where the storeroom coordinator dispenses their job assignments to them. He also inputs work assignments from the supervisors to the crew leaders into a computer database.

The storeroom coordinator is primarily concerned with procurement of supplies and communication with field crews. He handles just about every request for equipment, tools, parts, and stock materials, from portable toilets to drinking water or specialized rental equipment. These requests usually come from the substation crew leaders or senior substation electrical mechanics (included protection and maintenance classifications) via telephone, radio, or fax. He processes an order by computer to obtain stock from the storeroom. The storeroom coordinator acts as the supply arm for the construction section. He handles radio dispatch during the day and sends materials and equipment out to the job sites via the truck drivers each day. He also dispatches loop restoration crews by radio or cell phone during storm emergencies. When the storeroom coordinator is unavailable or sick, a construction engineering specialist will fill in for him and make sure that truck drivers are dispatched and that stock orders are issued. As noted above, construction engineering specialist, Nancy Rosenberger, usually fills in for the storeroom coordinator.

The storeroom coordinator typically works fixed hours from 6 a.m. to 2:30. The construction field personnel typically work from 7 a.m. to 3:30 p.m. The storeroom coordinator works an hour earlier in order to set the dispatch operation up and to organize truck driver assignments. The truck drivers also work from about 6 a.m. to 2:30 to obtain an early start delivering tools and materials to field personnel. The truck drivers spend about 95 percent of their time in the field.

The storeroom coordinator does not perform minor maintenance or calibration tests on protective devices. He monitors the withdrawal and return of materials, instruments and tools from the storeroom. He maintains a weekly or biweekly list of all construction equipment that the Substation Construction Section in 38-13 owns and operates and keeps track of where this equipment is located through interaction with substation crew leaders by telephone or radio.

He spends about two percent of his time identifying instruments such as carbon dioxide and oxygen sensors that are used by substation crews and that need to be calibrated. The actual calibration is performed by the storeroom coordinator in the Substation Operations & Maintenance Analysis Unit, 38-02-05, Mark Keller, whom I have included in the BGE-wide production and maintenance unit. That storeroom is located in the Lord Baltimore Building, across the street from the Windsor Office Building. The storeroom coordinator in 38-13-01 inspects defective instruments and tools to determine whether they need to be replaced or sent to a repair facility. He orders replacement tools. He investigates complaints from substation crews concerning defective instruments, tools, and equipment and he coordinates requests for major repair of equipment that breaks down. He coordinates the rental of major pieces of equipment that BGE does not own. About six times a year, he arranges for vendors to visit the Windsor Office Building and give demonstrations on new tools.

Substation crew leaders and senior substation electrical mechanics use the storeroom as a major means of ingress and egress to and from the Windsor Office Building. They interact with the storeroom coordinator by dropping off paperwork, orders, or timesheets and by exchanging pleasantries. The storeroom coordinator clears all paperwork for company personnel who have procurement cards. There is also a "high current" bench in the storeroom that is occasionally used by relay and control technicians to calibrate enunciators during major storms.

The storeroom coordinator is a certified CPR instructor and has conducted impromptu training classes for Department 38 employees. He participates in the Results Incentive Award program and shares a local incentive with the truck drivers concerning the supply of materials to job sites. Unlike the substation crews, the storeroom coordinator has not taken skills enhancement classes concerning the construction of foundations for substations, control wiring for substations, or installation of conduit and high-voltage wiring for substations.

The record reflects that Alan Howdyshell was formally a senior electric construction clerk in unit 95-01-05 in 1996. In 1966, the Regional Director included him in the system-wide production and maintenance unit sought in that case as a plant clerical employee, who shared a community of interest with production and maintenance employees. The record further reflects that Alan Howdyshell was promoted a grade higher to the position of storeroom coordinator about the fall of 1999 and that he performs essentially the same duties that he performed in 1996.

I conclude that the storeroom coordinator in 38-13-01 is a plant clerical employee who shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit. Like the resource planning specialists and the storeroom coordinator in 38-02-05, the storeroom coordinator in 38-13-01 performs work that is functionally integrated with and essential to production and maintenance work. Specifically, the storeroom coordinator runs the storeroom in the W0B where equipment, materials, and tools used by substation construction units are received and distributed. The substation crew leaders and senior substation electrical mechanics communicate daily with the storeroom coordinator, in person and by radio, telephone, and fax, concerning requests for or questions about equipment and tools. The storeroom coordinator shares supervision with the truck drivers who are included in the unit. He dispatches the truck drivers in 38-13-01 to pickup and deliver various equipment, materials, and tools that he has ordered for the substation crew. The truck drivers report to the storeroom every morning to receive their daily pick-up and delivery schedule from the storeroom coordinator. Throughout the day, the storeroom coordinator regularly communicates with the truck drivers by radio to dispatch additional pick-

ups and deliveries. He also has regular contact other included classifications in the field, who communicate by radio or telephone. The storeroom coordinator works the same fixed shift hours as the truck drivers in order to facilitate production and maintenance work. During storms, the storeroom coordinator dispatches both the substation construction crews and the substation maintenance crews as they perform loop restoration work. A production and maintenance employee fills in for the storeroom coordinator when he is absent. In these circumstances, I conclude that the storeroom coordinator in 38-13-01 shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. Cf. Global Marine Development, Inc., 216 NLRB 325, 326 (1975); Libbey Glass Division, 211 NLRB 939, 941 (1974).

Systems Protection & Control Master Sec., 38-20-01 – Director, Donald Milanicz

The System Protection and Control Master Section is responsible for engineering, design, installation, maintenance, and troubleshooting work related to the various relay and control equipment located in substations. The relay and control equipment is physically connected to various pieces of substation equipment. It receives and processes signals about the electric system conditions and electronically takes certain action based on these conditions, such as isolating equipment or adjusting voltage. The control equipment also allows the system to be remotely controlled and switched by the system operators in Section 37-11.

The System Protection and Control Master Section consists of three Relay and Control Units 38-20-02 through -04 and the Design Engineering and Analysis Section 38-21, which is made up of the Analysis and Maintenance Support Unit 38-21-02, the System Protection Unit 38-21-03, and the System Control Unit 38-21-04. The three Relay and Control Units 38-20-02 through -04 perform relay and control installation and maintenance work. The units are comprised of lead relay and control technicians and senior relay and control technicians. The work they perform is split into three different geographic regions.

The parties do not dispute that the senior relay and control technicians in 38-20-02 through -04 belong in a production and maintenance unit. However, the Petitioner seeks to include the lead relay and control technicians in the ETDD technical unit petitioned-for in 5-RC-14908 and takes the position that only if the lead relay and control technicians are not found to be technical employees should they be included in a production and maintenance unit. The Employer takes the position that the lead relay and control technicians are not technical employees and should vote in the BGE-wide production and maintenance unit.

Relay & Control Unit, 38-20-02 – Supervisor, Matthew Jones
Lead Relay and Control Technician, 38-20-02

Relay & Control Unit, 38-20-03 – Sup., John Dell
Lead Relay and Control Technician, 38-20-03

Relay & Control Unit, 38-20-04 – Sup., Ronald Mayr
Lead Relay and Control Technician, 38-20-04

There are no relay and control technicians in 38-20. The lead relay and control technicians were senior system protection technicians and the senior relay and control technicians were system protection technicians in the System Protection and Control Unit 95-00-07 in 1996. Essentially, the same job functions are at issue.

The lead and senior relay and control technicians work base hours from 7 a.m. to 3:30 p.m. They do not work flextime. The substation technicians (included classifications) in 38-11, 38-12 and 38-13 also work from 7 a.m. to 3:30 p.m. The senior shift substation technicians (included classification) in 38-11 work a rotating shift schedule. The construction crews in 38-13 also work from 7 a.m. to 3:30 p.m., and do not work flex time.

The duties for the lead relay and control technicians (leads) and senior relay and control technicians (seniors) are the same, although leads handle the more complex and difficult jobs. Most of the time, leads are paired with seniors on jobs and the lead is in charge of the job. There are not enough leads for all jobs, however, and two seniors are often paired together.

There are a number of relay and control devices in the control house or outdoor cabinets (breaker cabinets, transformer control cabinets or outdoor relay cabinets) in a substation. The relay and control technicians perform preventative and corrective maintenance on protective relay systems. This requires a need to be computer savvy. The designers in 38-21-03 are involved in using the software program for the protective relays.

The leads and seniors also work on transformers and auxiliary relays. They troubleshoot and repair equipment that is not functioning properly. Both lead and senior relay and control technicians install, test, and perform corrective maintenance on meters. The relay and control technicians hook up laptop computers to microprocessors and download or upload information. That information is given to designers or engineering analysts for analysis. The leads and seniors perform three types of testing. Calibration testing involves the application of various settings to various devices. Functional testing essentially puts the equipment through its paces. Finally, wire testing is performed to make sure equipment is connected properly.

When the relay and control technicians perform wire checks, they interact with the construction crews if there is a problem with the wiring. Such interaction occurs on a daily basis during new construction. When calibrating equipment, the lead relay and control technicians use various hand tools. The leads and seniors often calibrate equipment at the same time using the same tools. When troubleshooting, they use oscilloscopes and specialized test equipment. They also perform certain operational duties such as changing relay settings for capacitor switching during summer and winter seasons. They install new equipment at new facilities and substations. They operate and switch high voltage equipment and use the same tools in the switching process. They share their knowledge of relay and automatic control systems with substation technicians, senior substation technicians and service operators.

The lead relay and control technicians report to the Lord Baltimore Building at the Rutherford Business Center for about one hour in the morning to receive their job assignments and gather up necessary tools, blueprints and documentation. The senior and lead relay and control technicians sit in the same general area. The balance of their day is spent in the field. They return to the Lord Baltimore Building at the end of the day to assemble blueprints and test equipment for the next day. Usually, their job assignments for the next day are ready. Therefore, they sometimes report directly to the job site.

The senior and lead relay and control technicians work with the senior substation electrical mechanics, substation electrical mechanics and substation crew leaders in 38-13 when relay and control equipment is mounted. When the substation circuit or transformer is energized for the first time, the lead relay and control technicians perform a battery of tests. The

construction crews usually report to the job site before other classifications in order to mount large pieces of equipment such as transformers or breakers on foundations. Typically, after about 30 percent of the project has been completed, and the relay equipment has been mounted, the relay and control technicians report to the job site and check the wiring on that equipment. Usually, the relay and control technicians stay for the duration of the job thereafter. During the course of the job, the operating instruction technicians in 38-21-02 are also present.

Some large customers of BGE have their own substations. Relay and control work in those substations is also performed by relay and control technicians. The relay and control technicians use the same schematics, designs and drawings that are used by private contractors. The relay and control technicians are present on site with contractors or employees of the customer.

In 1998, the System Protection & Control Master Section transferred about six relay and control technicians and some test equipment to the former fossil organization to prepare for deregulation. The relay and control technicians in the Generation Protection & Control Unit 25-02-06 in the former Fossil Energy Division perform the same kind of the work in the same pay grade as the relay and control technicians in 38-20. They calibrate protective relays and perform functional testing at power plant locations. The relay and control technicians that remained in and are currently part of 38-20, do not perform any work in the fossil plants or for CCNPP, unless assistance is requested. Twice last year, two technicians from 38-20 were loaned to the fossil relay group for six weeks. Their work was charged to the former Fossil Energy Division budget. The record testimony established that once the former Fossil Energy Division became an unregulated subsidiary of Constellation Energy Group, these loans were expected to continue, although under different terms, because Department 38 will have to negotiate with the new entity like any other contractor. The relay and control technicians in 38-20 work in the substations. The relay and control technicians in 25-02-06 work in the power plants. These two groups of relay and control technicians, however, perform some testing together any time there is a generating unit outage that permits the power plant relay group to work on equipment. These two groups of relay and control technicians send electrical signals back and forth and they typically communicate before and after the actual testing.

When the relay and control technicians from 38-20 work in the fossil plants, they interact with plant electricians and the lead electrical and senior electrical technicians in 25-02-0C. The relay and control technicians work on the control equipment while the lead electrical and senior electrical technicians in 25-02-0C work on the high-voltage equipment. The interaction is analogous to that which occurs between the relay and control technicians and senior substation technicians in Department 38, discussed above.

The lead relay and control technicians and the lead and senior substation technicians (included production and maintenance classifications) interact on a daily basis and are often present in the control room at the same time. The lead substation technicians and senior substation technicians in the Substation Shift Operations and Maintenance Section 38-11-01 respond to substation trouble calls or events. The lead and senior relay and control technicians, and any of the substation technicians who have switching authority, use breaker control switches.

On a weekly basis, the lead substation technicians and senior substation technicians are present at the substation at the same time as the lead and senior relay and control technicians. As noted elsewhere, BGE is attempting to reduce the number of outages and increase the number of employees from different disciplines that show up to perform outage work at the same time. The

lead substation technicians, senior substation technicians and construction crews work on the control aspects of circuit breakers. The relay employees may be working on the controls, which may be remote from the breaker, and the substation technicians may be outside at the breaker. Because the relay and control portion of the circuit breaker may cause it to operate, thereby creating safety concerns, the relay and control technicians and the substation technicians communicate about what they are doing through walkie-talkies or hand-held radio devices.

The lead and senior relay and control technicians may go to the storeroom at the Lord Baltimore Building to draw out repair parts or assemblies. They usually approach the storeroom coordinator in 38-21-02 and request whatever they need. The storeroom is connected to the relay lab where testing occurs on a daily basis at test benches. The lead and senior relay and control technicians test devices in the lab. Sometimes relays that cannot be repaired in the field or at the substations are taken to the relay lab for more extensive repair work. Most of the time, the relay and control technicians are in the field. However, if they are not in the field working on relays, they are in the shop working on relays.

The lead and senior relay and control technicians, lead and senior substation technicians, lead and senior shift substation technicians, and substation crew leaders have taken switching authorization training courses. There are no degree requirements or post high school education requirements for the lead and senior relay and control technician positions. This classification is filled based on experience. The record testimony established that the trade is learned on-the-job. One typically progresses through the ranks from relay and control technician, to senior relay and control technician, to lead relay and control technician.

The lead and senior relay and control technicians make sure that the control panel print matches up to the engineer's elementary wiring diagram. The lead and senior relay and control technicians do not have storm duties. They participate in the RIA program and have the same business performance goals and local team goals as other employees in the 38-20 and 38-21.

The parties stipulated that the senior relay and control technician in 38-21-02, like the senior relay and control technicians in 38-20-02, 03, 04, performs the same type of work in the relay lab. The senior relay and control technician in 38-21-02 reports to the Windsor Office Building (WOB). He spends some time in a little office area in the relay lab, but his cubicle is located in the WOB. The parties further stipulated that the senior relay and control technician in 38-21-02 orders material, and does not go out to the field, but is trained to do so. The Petitioner and the Employer would include the senior relay and control technician in 38-21-02 in the BGE-wide production and maintenance unit based on community-of-interest criteria.

I conclude that the lead relay and control technicians in 38-20-02 through -04 share a sufficient community of interest with production and maintenance employee to be included in the BGE-wide production and maintenance unit. I emphasize that the lead relay and control technicians install, maintain, and test the protective relay and control systems in the substations and the senior relay and control technicians, an undisputed production and maintenance classification, perform the exact same duties in the same units. A lead and senior relay and control technician typically travel together and work together as a team at the substation sites. The lead relay and control technicians work side-by-side in the substations with the senior relay and control technicians and the substation crew leaders and senior substation electrical mechanics in 38-13-02 through -06 to install the relay and control panels. The lead and senior relay and control technicians then work together to check that the wiring has been properly installed and to perform the functional testing of the relay and control equipment. The lead and senior relay and

control technicians use the same hand tools, gauges, meters, and other equipment when performing this work. In short, the lead relay and control technicians perform the same duties and use the same tools as the senior relay and control technicians, they just handle more complex jobs based on their greater level of experience. The lead relay and control technicians have daily contact at the substations with the construction crews and operations and maintenance crews and often work together on the same equipment and communicate regarding the work that is being performed. The lead and senior relay and control technicians have common direct supervision, utilize the same common facilities in the Lord Baltimore Building, and share the same goals with respect to the Results Incentive Award (RIA) program.

The lead relay and control technician position does not require any sort of degree, nor is any post-high school education required. The lead relay and control technicians do not receive any specialized training that the senior relay and control technicians do not also receive. In these circumstances, I reject the Petitioner's contention that the lead relay and control technicians are technical employees or that they should be treated any differently than the senior relay and control technicians with whom they share an overwhelming community of interest. Accordingly, I shall include the lead relay and control technicians in 38-20-02 through-04 in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

**Design, Eng. & Analysis Section, 38-21-01 – General Supervisor, Gerard Schmitt
Analysis & Maintenance Sup. Unit, 38-21-02 – Supervisor, William Keagle, Jr.**

The Analysis and Maintenance Support Unit 38-21-02 provides scheduling and resource for the Relay and Control Units 38-20-02 through -04. This unit also supports the relay and control function by procuring and storing parts and equipment and providing analysis and consultation support. There is no senior engineer position in this unit. All of the classifications in this unit are supervised by the unit supervisor. As noted above, the parties agree that the senior relay and control technician in Unit 38-21-02 should vote as part of the BGE-wide production and maintenance unit. The parties are in dispute as to the placement of the four other weekly job classifications in this unit, to wit, the operating instruction technicians, the resource planning specialists, the storeroom coordinator, and the senior administrative assistant. The Employer contends that all four of these weekly classifications should vote as part of a production and maintenance unit. The Petitioner contends that the operating instruction technicians should vote in the petitioned-for technical unit limited to ETDD, and that the other employees should be excluded from any unit.

Operating Instruction Technicians, 38-21-02

There are currently four operating instruction technicians (Thomas Scilipoti, Richard Kuta, Gene Wireman and Donald Mitchell) in pay grade 31 in 38-21-02. The operating instruction technicians sit in cubicles just outside Director Donald Milanicz's office. They work variable hours and have flex time.

The operating instruction technicians produce substation operating instructions for company-owned and customer-owned substations. Some of the instructions include photographs. Essentially, the instructions are used by anyone working in the substations. System operators, lead and senior substation technicians, senior shift substation technicians and senior and lead relay and control technicians refer to the substation operating instructions when performing their operational responsibilities. Each substation has a print file that contains operating instructions,

blueprints and other documentation that the senior and lead relay technicians take with them to the field.

The operating instruction technicians assist in the preparation of planned outage instructions and answer questions concerning unusual conflicts in substation procedures or equipment. Occasionally, when there is an error in the instructions, the operating instruction technicians will consult with vendors and engineers and interact with the field technicians to resolve the error. The operating instruction technicians examine engineering drawings such as the substation elementary wiring diagrams, control wiring diagrams, and station one-line diagrams produced by engineers, designers and drafters in 38-21. They interact with these classifications and with field technicians concerning the import of the diagrams and about operational and maintenance issues and troubleshooting guides.

The operating instruction technicians develop schematic and flow diagrams for substation design. BGE has some unique substation designs and the operating instruction technicians are responsible for developing specialty schemes. They use their own judgment about how to develop the best scheme for a particular substation. They confer with the engineers and designers before writing their instructions. The design engineer or engineering analyst will sketch the actual wiring diagrams and give that to the design and drafting individuals.

The operating instruction technicians use various software and word processing packages to write the instructions. Like the designers and drafters, they use AutoCAD. They use Auto CADD to produce drawings that will aid in writing their instructions. The record established that recently, all electronic drafting was converted to AutoCAD and week-long vendor training was given to all users of AutoCAD.

The operating instruction technicians make visits to the substations to examine equipment. For example, the operating instructions technicians may make a site visit to get an advanced look at the equipment that is going to be delivered to a particular site. The operating instruction technicians share two company vehicles. They spend about 20 percent of their time in the field at a substation.

To put together the instructions, the operating instruction technicians need an intimate knowledge of substation operating conditions and must interpret engineering drawings, vendor prints and vendor instruction manuals. They must possess the knowledge and experience required to be a relay and control technician or substation technician. Three of the four operating instruction technicians were formerly system protection technicians, i.e., the equivalent of senior relay and control technicians. The other operating instruction technician has customer substation experience.

The operating instruction technicians do not perform switching or grounding functions. Basic qualifications in the applicable job description (Er. Exh. 4, #382C) require that the operating instruction technicians have over six years job-related experience with substation operations, normal and emergency switching procedures, tools and instruments, the ability to interpret engineering drawings and knowledge of post-high school mathematics. There is no degree requirement or any form of post high school educational requirement for the operating instruction technician classification. The record testimony established that any new hire into this classification would have to take the Technician Occupation Selection System test referred to in the applicable job description, although the current incumbents were grandfathered in and were not required to take this test.

The operating instruction technicians receive the same safety training as other classifications in 38-20. The operating instruction technicians usually receive one-on-one, on-the-job training directly from engineering personnel, who are involved with the design of new equipment. The record established that the senior and lead relay technicians receive similar training in a classroom setting. The operating instruction technicians are in training to be patrollers during storm restoration efforts.

I conclude that the operating instruction technicians in 38-21-02 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. They must have over six years job-related experience with substation operations, the ability to interpret engineering drawings and knowledge of post-high school mathematics. Moreover, new hires into this job are required to satisfactorily complete the Technician Occupations Selection System Test. The operating instruction technicians write detailed instructions for all the procedures that may take place in a substation, including sections on equipment operations, relay and control flow diagrams, alarm schedules and troubleshooting. These procedures accompany the drawings that are prepared by engineers and designers and drafters in 38-21-02 and 03. To prepare the detailed written instructions, the operating instruction technicians examine the engineering drawings and vendor drawings, read equipment instruction manuals, and visit substations and equipment manufacturers. They primarily interact with professional and technical employees associated with substation design, including engineers, engineering analysts, designers and drafters. The operating instructions technicians use word processing software and the same CADD software that other technical employees such as the designers and drafters use. They received specialized vendor training on the CADD software. The written instructions they prepare are approved by an engineer, much like the drawings prepared by the designers and drafters. They receive training from the engineer involved with designing new equipment.

As a practical matter, the operating instructions technicians put words to the drawings prepared by the designers and drafters. They regularly interact with the engineers, engineering analysts, designers and drafters, whose work they are interpreting. They spend 80% of their time in an office environment writing technical instruction manuals. They perform no physical tasks. Rather, they visit the field to gather information for their work. In these circumstances, I conclude that the operating instruction technicians in 38-21-02 are technical employees and should be included in the BGE-wide technical unit in 5-RC-14908. Cf. Western Gear Corp., 160 NLRB at 274, 279 (draftsmen creating detailed drawings, utilizing mathematics and variety of technical symbols and exercising independent judgment are technicals).

Even if it should be determined that that operating instruction technicians in 38-21-02 are not technical employees, I conclude that they perform work of a technical nature that involves writing detailed instructions for substation procedures, and they share a community of interest with other technical employees such as other designers, drafters, service planners and project design coordinators, whom I have included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006. I note that the operating instruction technicians in 38-21-02 perform technical functions and utilize technical skills that are distinct from the functions and skills of production and maintenance employees. They work under completely different working conditions than production and maintenance employees, using CADD, much like the other design personnel throughout BGE, who I have found to be technical employees herein. They have specialized CADD training similar to that possessed by many other technical employees throughout BGE. They work in an office environment and have close, regular interaction with engineers, analysts, and drafting personnel, just like the designers

throughout BGE, whom I found to be technical employees. They do not interchange with production and maintenance employees. In these circumstances, I shall include the operating instruction technicians in the 38-02-02 in the BGE-wide technical unit with other technical classifications throughout BGE, who perform technical work using specialized knowledge and skills. Brown & Root-Northrop, supra, 174 NLRB at 1006.

Resource Planning Specialist, 38-21-02

There are two resource planning specialists, Robert Denning and Thomas Jackson, in pay grade 31 in 38-21-02. The resource planning specialists were called resource technical specialists in 92-02-06 in 1996. The parties agreed to include them in the unit in 1996. See Er. Exh. 9C, p. 6-13. In 1996, Department 92 was called the Systems Operations and Maintenance Department and Department 95 was called the System Construction Department. Those two departments have been combined into the Substation and System Protection Department 38. The duties that the resource technical specialists performed in 92-02-06 in 1996 are exactly the same duties that the resource planning specialists currently perform in 38-21-02.

The resource planning specialists work a variable schedule (9/40 schedule) to reduce overtime hours. Typically, their work tasks on any given day take more than eight hours to complete. They report to work at 7:00 a.m. and work until 4:30 on their nine-hour days and until 3:30 p.m. on their eight-hour days. They carry pagers.

The resource planning specialists are located on the upper level of the Lord Baltimore Building. The senior relay and control technicians in Units 38-20-02 through -04, as well as the lead, senior, and substation technicians in Units 38-12-02 through -04, all of which are undisputed production and maintenance positions, also report to the upper level of the Lord Baltimore Building. The resource planning specialists sit in close proximity with these employees and share the same common areas within the Lord Baltimore Building. In addition, the resource planning specialists share the same common direct supervision with the senior relay and control technician and the storeroom coordinator in Unit 38-21-02.

Each day, the resource planning specialists schedule work for the lead and senior relay and control technicians. They put together packages of information such as work orders and safety check-off sheets and give this documentation to the relay and control technicians. They also assign vehicles to the technicians. The interaction between the resource planning specialists and the senior and lead relay and control technicians concerning work assignments and the planning of outages typically occurs in the Lord Baltimore Building. In order to schedule the work for the relay and control technicians, the resource planning specialists consult with field supervisors in 38-20 and they review the yearly maintenance plan put together by Department 36. The resource planning specialists must have knowledge of the relay work performed in the field. The work histories for the resource planning specialists establish that they were previously the equivalent of relay and control technicians and have performed other work in the field.

The resource planning specialists set up outages for relay work. Outage requirements for relay work are typically more complex than the outage requirements for maintenance work. They review substation drawings that are used by the relay and control technicians to determine how to safely set up an outage. They occasionally discuss special outage requirements with the senior and lead relay and control technicians, but it is more likely that they discuss such requirements with field supervision or with the resource planning specialists in 38-02-05. The resource planning specialists in 38-02-05 plan the substation maintenance work performed by lead and

senior substation technicians. Therefore, the resource planning specialists from 38-21-02 and 38-02-05 try to schedule outages for both groups of technicians, when possible, because BGE is attempting to reduce the number of outages. There are biweekly meetings for all resource planning specialists to discuss upcoming outage requirements.

The resource planning specialists write up the outage request and submit it to the outage schedulers in 37-10-02. The outage request lists the conditions of various pieces of equipment in the substation. Sometimes, the outage schedulers request that the resource planning specialists rewrite the outage request because certain equipment is unavailable.

Each piece of equipment in the relay system is in the Maximo database. The resource planning specialists query the Maximo database and produce work orders when relay systems are due for preventative maintenance. When corrective maintenance is needed, the resource planning specialists often receive phone calls from service operators, substation mechanics or substation technicians, who have identified problems that require corrective maintenance. In 1999, over 9,000 hours or 35 percent of total maintenance was corrective maintenance. The resource planning specialists spend about 95 percent of their time at their office workstations, although they may occasionally visit a substation in the field such as the Lutherville substation, which was the first automated substation. Like anyone else visiting a substation, they must call the system operator and report to the substation crew leader. The resource planning specialists do not regularly perform maintenance functions in the field.

The resource planning specialists do not perform storm duties. They receive the same safety training as the technicians and senior and lead relay technicians. They participate in the RIA program.

I conclude that the resource planning specialists in 38-21-02 share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit. The resource planning specialists generally work the same hours as production and maintenance employees, although they may work a different schedule to reduce overtime. They share common direct supervision with the senior relay and control technician, an undisputed production and maintenance employee, and the storeroom coordinator, whom I have included in the BGE-wide production and maintenance unit, as discussed below. Like the resource planning specialists in 38-12-01 (formerly 38-02-05), whom I have included in the BGE-wide production and maintenance unit, the resource planning specialists in 38-21-02 perform work that is functionally integrated with and essential to production and maintenance work. They schedule and plan all of the maintenance work performed on the substation protective relays and controls by the lead and senior relay and control technicians in 38-20. In performing this function, the resource planning specialists communicate on a daily basis, both in person at the Lord Baltimore Building and also by telephone, with the lead and senior relay and control technicians. These communications focus on the nature of the work to be done, outage conditions, and any other questions or issues surrounding the maintenance work. The resource planning specialists also regularly receive telephone calls from various substation technicians in 38-12-02 through -04 concerning corrective unscheduled maintenance that needs to be done. The record established that the resource planning specialists must have extensive knowledge of substations, substation equipment, and the work that is done on such equipment. Both of the resource planning specialists have worked in the field in positions that are comparable to the relay and control technician or substation technician jobs. Although the resource planning specialist spend most of their time in the office planning and scheduling maintenance work, they occasionally visit substation sites to check out problems and occasionally still perform relay

work. In these circumstances, I conclude that the resource planning specialists in 38-21-02 share a sufficient community of interest with other production and maintenance employees such as the resource planning specialists in 38-12-01 (formerly 38-02-05) and the senior relay and control technician and storeroom coordinator in 38-21-02 to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Senior Administrative Assistant, 38-21-02

The senior administrative assistant, Beverly Bastress, was a unit support clerk in 92-00-04 in 1996. Er. Exh. 9C, p. 6-13. There is no difference between the work that the unit support clerk performed in 1996 and the work that the senior administrative assistant performs today.

The senior administrative assistant spends virtually 100 percent of her time at the Lord Baltimore Building. The senior administrative assistant sits in a cubicle in the same general area as the resource planning specialists and operating instruction technicians. She performs a number of clerical type duties such as time keeping and typing. She spends about half of her time performing clerical functions. She maintains blueprint files and various instruction manuals in the technical library. She handles petty cash receipts. She does not put together work packages. She updates relay calibration records and prints out such records when needed. She interacts with the lead or senior relay and control technicians when there are questions about print files, record keeping or time keeping. The senior administrative assistant does not have storm duties. She receives safety training and material awareness training and attends departmental meetings.

I conclude that the senior administrative assistant in 38-21-02 is an office clerical employee, who should be excluded from any of the petitioned-for units. She has different skills and functions than unit employees and works exclusively in an office environment performing clerical and record keeping tasks. Her work is not functionally integrated with production and maintenance or technical work and she not interchange with unit employees. In these circumstances, I shall exclude the senior administrative assistant in 38-21-02 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

Storeroom Coordinator, 38-21-02

The storeroom coordinator in 38-21-02 is in pay grade 27. The storeroom coordinator is responsible for maintaining and running the storeroom. The storeroom houses relays, relay assemblies, parts, and test equipment such as measuring devices, source calibration devices, and timing devices used by the lead and senior relay and control technicians each day to perform installation, maintenance, and testing work on the protective relays and controls in the substations. The storeroom is an enclosed area that has two work stations on the lower level of the Lord Baltimore Building, the same building to which the senior relay and control technicians and substation maintenance crews report. About 25 to 30 percent of the time, one of the senior relay and control technicians in 38-21 will sit in this area when receiving equipment.

The lead and senior relay and control technicians also spend significant time in the relay lab, located adjacent to the storeroom, testing and performing other work on relays and controls. The storeroom coordinator has contact with these technicians when they are in the relay lab. The storeroom coordinator performs some minor calibration work himself, such as winding turns around auxiliary current transformer cores. The storeroom coordinator also is responsible for keeping track of when the various test equipment and meters used by the relay and control

technicians need to be calibrated. When calibration is necessary, the storeroom coordinator takes the equipment to the instrument technicians in 36-05-04 (included production and maintenance classification), who sit adjacent to the storeroom, to have the calibration work performed. The instrument technicians are responsible for calibrating instruments on a periodic basis. The storeroom coordinator interacts with the instrument technicians to keep track of the calibration records of instruments and to make sure that the instruments are calibrated on schedule and that the instrument technicians receive the records and instruments that they need. The storeroom coordinator performs some minor calibration tasks, but spends less than 10 percent of his time performing such tasks.

The storeroom coordinator uses a computer to order equipment or materials. He uses a computer database on a daily basis to locate spare parts. The computer database indicates which storage cabinets contain the particular spare part. The storeroom coordinator retrieves the spare parts and updates the database. When inventory is placed in the storeroom instead of removed from it, the procedure is reversed.

The storeroom coordinator either hand carries or uses a pallet jack or hand truck to transport materials that are delivered to the Lord Baltimore Building loading dock area back to the relay area. The storeroom coordinator also uses a hand truck or pallet jack to transport equipment that the instrument technicians need from the storeroom to the instrument technicians' work area. This occurs on a weekly basis.

Senior or lead relay technicians in the field call the storeroom coordinator to request equipment. At times, they visit the storeroom to pick up the equipment themselves. The storeroom coordinator monitors test equipment and keeps track of who has what equipment. The storeroom coordinator assists the senior relay and control technician in 38-21 with purchasing or receiving material. The storeroom coordinator makes arrangements to draw disposable items from the central warehouse. He delivers some material to job sites on capital installation projects. At times, he delivers relays to job sites. The storeroom coordinator performs basic acceptance tests on protective devices for substation equipment to insure reliability. He occasionally performs minor repairs on test equipment. The storeroom coordinator delivers auxiliary current transformers to the lead and senior relay and control technicians at the substations.

When the storeroom coordinator goes to a construction site to deliver material, the substation electrical mechanics, senior substation electrical mechanics, and crew leaders usually are present. When the storeroom coordinator goes to a maintenance job site, the senior and lead substation technicians usually are present. When the storeroom coordinator goes to the job site, he is required to wear protective equipment. The storeroom coordinator does not perform testing at the substations. He only drops off or picks up equipment or material. The storeroom coordinator spends about 30 to 40 percent of his time making deliveries to the field. The storeroom coordinator has the same driving privileges as the lead and senior technicians.

When the storeroom coordinator is absent, the relay and control technicians occasionally fill in for him. Usually, however, no one fills in for the storeroom coordinator. Instead, the work adds up until he returns. The storeroom coordinator receives the same safety training as the other unit employees and participates in the RIA program. The storeroom coordinator was previously a station services mechanic, who worked in the field on selected equipment in substations, such as batteries and engine generators. The storeroom coordinator was a meter and relay handler in 95-00-07 in 1996. The two jobs involve the same duties, except the meter and relay handler dealt primarily with capital projects.

I conclude that the storeroom coordinator in 38-21-02, like the storeroom coordinator in 38-12-01 (formerly 38-02-05) shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. The storeroom coordinator performs work that is functionally integrated with and essential to production and maintenance work. The storeroom coordinator is responsible for maintaining and running the storeroom that houses relays, relay assemblies, parts, and test equipment used daily by the lead and senior relay and control technicians to perform installation, maintenance, and testing work on the protective relays and controls in the substations. The storeroom coordinator keeps track of test equipment that is checked in and out by the lead and senior relay and control technicians. He inventories and orders the various relays and parts to ensure that the relay and control technicians have the materials they need to perform their work. The storeroom coordinator has daily contact with the lead and senior relay and control technicians, who generally visit the storeroom at the beginning and end of the day to check out or return equipment and who call the storeroom coordinator during the day to request additional parts and materials. The storeroom coordinator also has contact with these relay and control technicians when they are testing in the relay lab adjacent to the storeroom. The storeroom coordinator keeps track of when the various test equipment and meters used by the relay and control technicians need to be calibrated. When calibration is necessary, the storeroom coordinator takes the equipment to the instrument technicians, who sit adjacent to the storeroom and are undisputed production and maintenance employees. The storeroom coordinator performs some minor calibration work himself.

Like unit truck drivers, the storeroom coordinator frequently takes parts and equipment to the substation job sites for the various relay and control technicians. He spends approximately 30-40 percent of his time visiting job sites. The storeroom coordinator also receives and unloads the various equipment and parts that are delivered to the storeroom using a hand truck or a pallet jack. If the storeroom coordinator is unavailable to work, a lead or senior relay and control technician will sometimes fill in for him. The storeroom coordinator works the same hours and receives the same general training as the substation technicians. The storeroom coordinator shares unit supervision with the senior relay and control technician and resource planning specialist, who are included in the BGE-wide production and maintenance unit. In these circumstances, I conclude that the storeroom coordinator in 38-21-02, like the storeroom coordinator in 38-12-01 (formerly 38-02-05), shares a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. Cf. Global Marine Development, Inc., 216 NLRB 325, 326 (1975); Libbey Glass Division, 211 NLRB 939, 941 (1974).

System Protection Unit, 38-21-03 – Supervisor, Kirk Rae
Designer, 38-21-03
Drafter, 38-21-03 (vacant)
Senior Drafter, 38-21-03

System Control Unit, 38-21-04 – Supervisor, Brian Deaver, Sr.
Designer, 38-21-04
Drafter, 38-21-04
Senior Drafter, 38-21-04

These units are responsible for designing and drawing the protective relay and control systems for new construction or improvement of substation facilities. The drawings are used by

the relay and control crews in 38-20-02 through -04, construction crews in 38-13-02 through -06, and operations and maintenance crews in 38-11 and 38-12, to build, install, test, and maintain the protective relay and control systems in the substations.

The work performed by the weekly employees at issue in these units, is essentially identical, so they will be discussed together. Significant differences are noted, when necessary. When using the term drafters, I intend to include senior drafters, unless otherwise indicated. At time of the hearing, there was no drafter in 38-21-04.

In Unit 38-21-03, the weekly job classifications of designer, senior drafter, and drafter are at issue. There are also designers and senior drafters at issue in 38-21-04. The Employer contends that these classifications should all vote as part of a production and maintenance unit. The Petitioner seeks to have these positions vote in the petitioned-for technical unit limited to the ETDD.

The work performed by the designers, drafters and senior drafters in 38-21-03 and 04 is very similar. The designers, senior drafters, and drafters in these units are all producing drawings, although the complexity of the assignment differs. The designers are more experienced than the drafters and senior drafters. They progressed to the designer classification through experience and performance. They lend expertise to help drafters and senior drafters create their drawings. As noted above, the designers, drafters and senior drafters in 38-02-03 create civil and high voltage drawings. The designers and senior drafters in 38-21-04 create numerous drawings that depict controls. The senior drafters and drafters are performing essentially the same type of work.

The engineer approves the designs or drawings prepared by the designers, senior drafters and drafters. There is interaction between the designers or drafters and engineering classifications almost every day. The designers and drafters work closely with the design engineer. They are located right next to each other and have daily interaction. They work together as part of a project team on various projects to produce engineering documents. Project teams consist of a representative from systems protection and control, a relay engineer, and a control design drafting person. Typically, there will be an engineer and a designer, senior drafter or drafter on a project.

The designers and drafters in 38-21-03 and 04 spend the majority of their time creating wiring diagrams in the Windsor Office Building. They work in a typical office environment and regularly use Auto CADD on their computers. They work variable hours and use independent judgment when performing design functions. They primarily take a concept that a design engineer has developed and produce an engineering document that conforms to all applicable requirements and standards. The designers produce all types of engineering drawings such as elementary wiring drawings and control panel diagrams that are needed to construct a substation.¹² They work closely with the design engineer, who originates the design. The

¹² Pet. Exhs. 80-83 represent a series of diagrams that were prepared by the engineers, designers, senior drafters and drafters in the units. Pet. Exh. 80 is an elementary wiring diagram or preliminary sketch that the engineer would give to the designer, senior drafter or drafter to indicate what design work he wanted done. The designer, drafter or senior drafter would produce the design using Auto CADD. Once the elementary wiring diagram is completed, the senior drafter or drafter would produce a control wiring diagram that is approved by the engineer. See Pet. Exh. 81. Once the control wiring diagram is prepared, then a more detailed drawing is

designers take the engineer's concept and use a computerized electronic pencil to create the design. The documents are in electronic format. The designers use volumes of engineering standards. They must understand how the substation equipment works. They interpret instructions in vendor diagrams and manuals.

Designers, drafters and senior drafters learn how to draft an elementary wiring diagram through experience and accumulated knowledge. The record testimony established that the protective relay field is very specialized and generally cannot be learned in school. The elementary wiring diagrams are the primary documents relied on by the relay and control technicians. The relay and control technicians refer to the elementary wiring diagrams before they perform any testing or switching to determine what the effect on operations will be. Therefore, relay and control technicians must be able to interpret the elementary wiring diagrams. The relay and control technicians receive on the job training and attend a number of training classes, including a blueprint reading class.

Relay and control technicians use the control wiring diagram at a substation when installing equipment. The control wiring diagram is also used when trouble shooting and checking the wiring. The relay and control technicians must be able to interpret the control wiring diagram. They learn this skill through experience. The control wiring diagram is also used by the substation electrical mechanics in 38-13 when building control panels. The control wiring diagram is the engineering document used to wire the control panels. The detailed panel drawings direct construction forces where to locate various equipment and indicate what type of metal mounting strap to use. The relay and control technicians also review these drawings to insure that control panels are where they are supposed to be. Both the substation electrical mechanics and the relay and control technicians must be able to interpret detailed panel diagrams.

Designers or drafters occasionally visit substations, especially when an existing substation is being retrofitted. When visiting the substations, they are accompanied by an engineer. When designers, drafters and senior drafters go on site, they wear protective gear. Although the designers and drafters visit the field several dozen times a year, the record testimony established that BGE would like them to visit the field more often. BGE encourages interaction between designers and field relay technicians so that the design and relay process becomes more integrated. In fact, this was one of the reasons for reorganizing the relay and control organization. It is possible, however, that there are no field employees present when designers or drafters visit a substation to examine a retrofitting job.

A designer and engineer typically visit a job site together during the initial estimating process and consult with the field supervisor and field technicians to improve the accuracy of cost estimates. As the substation is actually being built or modified, the designers and drafters

prepared that shows particular relay panels, i.e., how the equipment is laid out in the substation. See Pet. Exh. 82. The designer, senior drafter or drafter also prepares a detailed material list of items based on the design. Pet. Exh. 83 is a material list. A detailed material list specifies all the necessary miscellaneous equipment. Generally, the construction forces would use this print more often than the relay and control technicians. Materials shown on the detailed panel print are referenced by number on the material list to facilitate assembly. The designer, senior drafter and drafter also prepare a control cable schedule that is used to calculate the length and type of cable. See Pet. Exh. 84. Generally, a control cable schedule is used by substation electrical mechanics, who pull the cable from one location to another. A relay and control technician might refer to the control cable schedule to make sure that there are sufficient conductors in any given cable.

invariably communicate with one another, usually by telephone, but sometimes in person. The designers are located at the Windsor Office Building and field technicians are located at the Lord Baltimore building across the street.

When a relay and control technician thinks that a design change to a print is necessary, they contact the engineer, if there is a design error, or the designer or drafters for drafting errors. When field revisions are made, the existing drawing or print is marked up and then given to the designers or drafters to incorporate the changes into "as-built" drawings. When the designer or drafters have questions about field revisions, they contact the field technician or check with the engineer. Approximately 1500 field revisions were processed in 1999. Pet. Exh. 81 is representative of a field revision that would be made by a relay and control technician.

The designs or drawings put together by the designers, senior drafters and drafters are used by the operating instruction technicians, the field construction crews and the substation technicians. The construction forces build or modify the substation as set forth in the drawings. After equipment is built, the lead and senior relay technicians use the drawings to map out circuits so they can perform functional testing and verification tests.

Typically, there is little interaction between construction crews and the designers or drafters. The field construction crews typically discuss problems with the relay and control technicians, who would then convey the nature of the problem to the designers and drafters, if necessary.

The basic qualifications of the designers and drafters include some need for post high school education and courses in mathematics. The designers and drafters have to make mathematical calculations that require knowledge of algebra and trigonometry, especially when designing three-phase systems. None of the designers or drafters were required to take the Technicians Occupation Selection System Test (TOSST) as set forth in the applicable job descriptions. They have "grandfather" status. The TOSST is a job requirement for new applicants. The designers and drafters have received AutoCAD training.

The designers and drafters receive the same safety training and hazardous material awareness training as the other unit employees in 38-21. They also receive training sessions every two weeks to update them on new equipment and processes. These training sessions are akin to tailgate meetings. Supervisors, engineers and the design and drafting personnel attend these meetings.

The record established that several of the designers and drafters have taken courses pursuant to the BGE employee educational assistance program, although none of these courses was required. For example, Mr. Harmon, a drafter in 38-21-03, has taken courses in electricity, circuit fundamentals, solid state electronics, and digital fundamentals. Record testimony established that these courses would be helpful to performance of his job duties and that they satisfy the basic qualification for post high school education. The record testimony also established that the courses that Mr. Harmon completed would qualify as equivalent formal education, training or experience as set forth in the applicable senior drafter job description. In addition, the record testimony established that his experience as a drafter would satisfy the requirement for six years of experience in substation documentation drafting requirements as set forth in the senior drafter job description. Record testimony also established that designers, Douglas Widener in 38-21-03 and Michael Managhan in 38-21-04, took certain courses at community colleges when they were drafters or senior drafters and that these courses helped them

meet basic qualification requirements for the designer and drafter positions. Similarly, senior drafter, Donald Thomas, in 38-21-03 took certain educational courses when he was a drafter that helped him satisfy the qualifications for a senior drafter position.

The designers were previously called senior engineering technician, the senior drafters were previously called engineering technicians, and the drafters were previously called junior engineering technicians. The record testimony established that the job functions have remained the same and only the job titles have changed.

I conclude that the designers, senior drafters and drafters in 38-21-03 and 04 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14909. They prepare engineering drawings, elementary wiring drawings, control panel diagrams, material lists and panel details based on their specialized knowledge and experience. When preparing the drawings, they use CADD software. The job descriptions for these classifications, and the training records of the individuals who hold these positions, clearly demonstrate the technical nature of the jobs. See Er. Exh. 4, #154A, 731A and 688B; Pet. Exh. 61 and 74-76. The technical nature of the jobs is further demonstrated by the actual drawings that the designers and drafters prepare. As noted above, examples of such technical drawings were entered into the record as Pet. Exhs. 80-84. These drawings contain intricate detail and plainly require a significant amount of technical knowledge to create. Moreover, the design work performed by the designers and drafters is similar to that of project design coordinators in 39-01-07, whom both parties agree are technical employees. In these circumstances, I conclude that the designers, senior drafters and drafters in 38-21-03 and/or 04 are technical employees and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Fisher Controls, 192 NLRB 514; PECO Energy Co., 322 NLRB at 1084 (draftsmen who create schematics to modify systems, using computer assisted design, drafting tables and desks, are technicals); Western Gear Corp., 160 NLRB at 274, 279 (draftsmen creating detailed drawings, utilizing mathematics and variety of technical symbols and exercising independent judgment are technicals); Allis-Chalmers Manufacturing Co., 129 NLRB at 89; Waldorf Instrument Co., 122 NLRB at 806.

Even if it should be determined that that designers, senior drafters and drafters in 38-21-03 and/or 04 are not technical employees, I conclude that they perform design work of a technical nature and share a community of interest with other technical employees, such as other designers, drafters, service planners and project design coordinators, whom I have included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006. As noted, the designers and drafters in these units perform technical functions and utilize technical skills that are distinct from the functions and skills of production and maintenance employees. They work under completely different working conditions than production and maintenance employees. They spend 75 percent of their time preparing wiring diagrams in an office environment and they may work flex time. They use CADD much like the other design personnel throughout BGE, whom I have found to be technical employees herein. They have specialized CAD training similar to that possessed by other technical employees throughout BGE. They have separate immediate supervision from production and maintenance employees and work in an office environment in a unit consisting of monthly rated professional engineers and supervisors, much like other designers and drafting personnel throughout BGE, whom I have found to be technical employees. There is little interaction and no interchange between the designers and drafters and production and maintenance employees. In these circumstances, even if the designers and drafters are not technical employees under the Act, I shall include them in the BGE-wide technical unit because of the technical nature of their jobs

and training, and the community of interest that they share with other technical employees performing similar work under similar working conditions for the same pay and benefits throughout BGE. See Brown & Root-Northrop, supra, 174 NLRB at 1006.

E. NEW BUSINESS & DISTRIBUTION CONSTRUCTION DEPT. 39-00-01

The New Business and Distribution Construction Department 39 under Manager Johnny Magwood, is responsible for providing design, engineering and construction services, and for building gas and electric distribution facilities. Seventy percent of new installation jobs are gas and electric common trench jobs. One trench is dug and the electric cables and gas mains are placed in the same trench. Department 39 consists of four sections: Strategic Customer Engineering Section 39-00, Design & Engineering Section 39-01, Outdoor Lighting Section 39-02, and Capital Construction Master Section 39-10.

1. Strategic Customer Engineering Unit, 39-00-02 - Director, Carol Dodson

The New Business Department brings together design, engineering and construction functions to service new business customers. The New Business Department has certain strategic accounts that involve large industrial and commercial customers. The Strategic Customer Engineering Unit is located in a typical office environment on the second floor on the east side of the Front Street Building, next to the Transmission Engineering Construction & Maintenance Section, 36-01-01. This unit handles new business projects for BGE's largest industrial and commercial customers, including new electric service, increased electric service, or relocations. The unit also handles reliability and power quality problems for large industrial and commercial accounts. For example, the unit takes the lead in investigation of customer reliability complaints from BGE's largest industrial and commercial customers. In doing so, this unit works with the Customer Reliability Management Units, 36-05-02 and 36-05-03; the System & Reliability Planning Section, 37-02; and several sections in Substation & System Protection Department 38. With regard to new business work, this unit supplies customers with new or increased electric service. With regard to reliability and power quality work, this unit leads the investigation of customer complaints and works with the engineer, customer service investigator, distribution tester, and senior distribution tester work leader in the Customer Reliability Management Units in 36-05-02 and 03 to investigate and resolve these customer complaints. The Strategic Customer Engineering Unit investigates sustained or momentary outages and power quality events. They coordinate tree trimming and other maintenance type improvements with the Customer Reliability Management Units, and with the Forestry and Right-of-Way Management Unit, 36-04-03 and the Damage Prevention Unit in 36-04-04.

At the time of the hearing there were no engineers in 39-00-02. As noted above, the distribution tester had recently been moved from 39-00-02 to the Power Quality Studies & Services Unit 37-02-05 in the System & Reliability Planning Section 37-02-01 of the Electric System Operations & Planning Department 37. On February 28, 2000, distribution processor, Carol Hartline, who was formally in the Design & Engineering Section 39-01-01, was moved into the Strategic Customer Engineering Unit 39-00-02.

The parties are in dispute as to the unit placement of the service planner, distribution processor, and senior administrative assistant positions. The Employer contends that these job classifications should vote in the BGE-wide production and maintenance unit. The Petitioner

contends that the service planners belong in the petitioned-for technical unit limited to the ETDD, and the other positions should be ineligible to vote.

Distribution Processor, 39-00-02

The distribution processor in 39-00-02, effective February 25, 2000, is Carol Hartline. She generally works the same hours as the service planners and construction crews, from about 6 or 6:30 a.m. to 3 p.m., with flex time. She can work a 0/40 schedule. She spends 95 percent of her time on the second floor of the Front Street Complex. She spends about 30 percent of her time on the computer inputting data into WMS and reading e-mail. The majority of her time is spent processing job folders that are given to her by the service planners. She looks at the prints to determine what permits are needed. She makes copies of the prints. She generates printouts from WMS such as the list of materials and the unit work plan. She adds the crew leader report to the job folder and packages the folder for release to construction after payment is received. These job packages contain printouts from WMS and lists of materials. She releases jobs to construction forces in either Capital Construction in 39-10-01 or Underground Lines in 36-06-01 through WMS and inter-office mail. She works closely with the service planners and the senior engineer. She processes payment checks for Strategic Customer Engineering to accounting or special billing. She applies for relevant permits. She informs the permission specialist in 37-05-0A about upcoming jobs so that the permission specialist can work on rights-of-way. Both the distribution processor and the senior administrative assistant in 39-00-02 file aperture cards related to primary and secondary maps, gas cards, and feeder books.

I conclude that the distribution processor in 39-00-02 is an office clerical employee, who should be excluded from any of the units found appropriate herein. She has different skills and functions than production and maintenance or technical employees, works exclusively in an office environment performing clerical and administrative tasks, and does not interchange with unit employees. She performs support functions and office clerical duties for service planners and the senior engineer. Other than sending material through the interoffice mail, the only contact that Ms. Hartline might have with production and maintenance employees is if someone from Capital Construction or Underground Lines has a question about a job folder. The fact that she handles documents that will be used by construction personnel does not convert her into a plant clerical. Cooper Hand Tools, 328 NLRB No. 21, slip op. at 4 (1999); Weldun, Inc., 321 NLRB 733, 735 (1996); Continuous Curve Contact Lenses, 236 NLRB 1330, 1332 n.6 (1978); Nuturn Corp., 235 NLRB 1139 (1978). Moreover, given the fact that the distribution processor lacks the technical skill and interests that render the BGE-wide technical unit appropriate, I shall exclude her from that unit as well. Brown & Root-Northrop, 174 NLRB 1005, 1006 (1969) (clerical employees who do not perform technical tasks are not included in technical units); General Electric Co., 147 NLRB 558, 560 (1964); see also, United Shoe Corp., 185 NLRB 200, 201 (1970) (despite routine contact, clericals share no community of interest with technicals due to difference in training and complexity of work); The Armstrong Rubber Co., 144 NLRB 1115, 1118 (1963). Accordingly, I shall exclude the distribution processor in 39-00-02 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

Senior Administrative Assistant, 39-00-02

The senior administrative assistant is in pay grade 26 and is supervised by the unit Director. She sits right outside the office of the unit Director. She normally works from 7 a.m. until 5 p.m., with flex time and some overtime. She spends about 95 percent of her time on the second floor of the Front Street Complex in a typical office environment. She spends about 70 percent of her time on the computer. She performs word processing functions and uses Microsoft Word and PowerPoint. The senior administrative assistant basically provides support functions for the unit such as scheduling unit meetings, ordering materials and safety equipment for service planners and the distribution tester, and relaying phone messages to facilitate communication between unit personnel. The senior administrative assistant spends 25 percent of her time supporting the unit Director, 25 percent of her time supporting the senior engineers, and about 15 percent of her time supporting the lead engineer - work leader. She primarily uses the computer and telephone. The senior administrative assistant checks on the status of jobs in WMS and pulls reports out of DMIS for the senior engineer or distribution tester. She also uses the Customer Information System (CIS) to track customer records. She takes care of billing functions for procurement carts and backs up the distribution processor with regard to the billing of customers. She coordinates maintenance for unit equipment. Both the senior administrative assistant and the distribution processor file aperture cards related to primary and secondary maps, gas cards, and feeder books.

I conclude that the senior administrative assistant in 39-00-02 is an office clerical employee, who should be excluded from any of the units found appropriate herein. She has different skills and functions than production and maintenance or technical employees. She works exclusively in an office environment performing clerical and administrative tasks, using office equipment (a telephone, computer and aperture card reader), and supporting professional, technical, supervisory and clerical personnel. She does not interchange with unit employees. Moreover, like the distribution processors, her duties are substantially different than those of the technical employees in the BGE-wide technical unit. See General Electric Co., 147 NLRB at 560 (excluding all clerical employees from unit of designers and drafters, including file clerk who maintained aperture cards and files). In these circumstances, I shall exclude the senior administrative assistant in 39-00-02 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

Service Planner, 39-00-02

The two service planners in 39-00-02 are in pay grade 30 in work group 4. They are supervised by the senior service planner work leader in work group 4. There are no other classifications in work group 4. They are matrixed to support the senior engineers. The service planners generally work 7 a.m. to 3:30 p.m., with flex time. Generally, these are the same hours that construction crews work.

Director Dotson testified that her unit is more heavily weighted with senior engineers, lead engineers and consultant engineers than with service planners because the jobs in her unit are larger and more complex and require more technical engineering design. The service planners take one-line diagrams or engineering sketches, specifications, and the site plan that have been given to them by the senior service planner or senior engineer. They then use computer assisted drawing and design (CADD) to create the actual drawing or construction plan that is used by

construction crews to provide service, increase service, or relocate service for one of the large industrial or commercial customers. Both service planners have drafting tables and use scale rulers. They have been weaned away from hand drawings to computer assisted drawing.

The service planner collects the appropriate primary and secondary maps and trace the site plan into the CADD system to use as the base map. The service planner visits the field, either alone or with the senior engineer, senior service planner or senior construction inspector, and checks BGE facilities against pole records and maps. For larger jobs that are done with Strategic Customer Engineering, it is more likely that a senior construction inspector will meet the service planner on-site to discuss the job so that the design function and construction function are understood before the job is released for construction. After the job site visit, the service planner uses CADD to point and click BGE facilities onto the base map. The service planner then uses the Work Management System (WMS) to choose compatible units for the job. The service planner lays out the job, along with the appropriate materials and equipment. As the service planner enters information into the WMS, the system will identify equipment that fits the parameters specified by the service planner, but the service planner must make judgments about whether the equipment that is identified is appropriate. The service planner submits the plan to the senior service planner or senior engineer to price the job for the customer and to write the B-1 contract.

The service planners are involved in combination jobs that include both gas and electric facilities. They use resources such as the overhead and underground construction manuals, gas construction manuals, primary and secondary maps, manhole diagrams, one-line diagram feeder books and the Designer Handbook. When planning a job, they discuss meter location with the meter crew leader or meter inspector about 20 percent of the time. The record testimony established that this interaction occurs face-to-face at the Front Street complex because the meter crews are downstairs at Front Street, but the record testimony fails to establish whether this interaction is more often with the meter crew leader or meter inspector. The service planners are in contact with the gas distribution designer in M2-05-02.

About a quarter of the jobs in the Strategic Customer Engineering Unit require a manhole survey. The service planner interacts with splicing crew leaders and field recorders when manhole surveys are required. Manhole surveys are required for about one-quarter of the jobs that are performed within the City of Baltimore. The service planner also deals with the permission specialist in 37-05-0A, who obtains rights-of-way.

There is no formal educational requirement for the service planner classification. The service planners have learned through on-the-job training. The training records for the service planners show that they were required to receive, inter alia, various OSHA and Amtrak safety, environmental permit, sediment and erosion control, heat stress, low voltage rubber gloves and wetland training. They wear standard personal protective equipment and use measurement equipment to measure the distances between facilities.

The record testimony and applicable job description (Er. Exh. 4, #334B) established that the service planners need eight years of experience in distribution construction design and drafting or the equivalent combination of formal education, training and experience. They need knowledge of basic mathematics and experience in applying construction standards, but they do not apply the Electrical Design & Engineering (EDE) handbook. They measure distances in the field, but do not perform metes-and-bound surveying. They need knowledge of the basic functions of electrical equipment that is obtained through on-the-job training.

I conclude that the service planners in 39-00-02 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Their work is of a technical nature, requiring them to convert engineering specifications into an actual plan for performing construction work. The service planners are essentially designers, who work with the senior engineers and senior service planners to create detailed drawings to provide, increase, or relocate service for large industrial and commercial customers. The service planners use primary and secondary maps, the verified site plan, the specifications provided by the engineers and work group leaders, the construction standards manuals, the designer handbook, and CADD to prepare a pictorial representation of the job, showing both the electrical and gas facilities to be installed. Like the designers, the service planners have received CADD training and use the CADD system and drafting instruments and aids. The service planners select and apply the appropriate electrical underground and overhead construction standards and gas construction standards, map the most efficient system for providing the service required, and utilize WMS to select the most appropriate facilities for the particular job. The record established that these functions require the exercise of independent judgment acquired through experience and training. The record further established that Petitioner Exhibit 110 (a drawing prepared by a designer in 39-01-02) is similar to those produced by service planners in 39-00-02. A basic qualification for the service planner position is eight years of experience in distribution, design and drafting, or the equivalent combination of formal education/training and experience. In addition, the design functions that the service planners perform are the same as those of the project design coordinators in 39-01-07, whom the parties have stipulated to be technical employees. In these circumstances, I conclude that the service planners are technical employees and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Western Gear Corp., 160 NLRB at 274; see also Allis-Chalmers, 128 NLRB at 89; Waldorf, Inc., 122 NLRB at 805; National Gypsum Co., 116 NLRB at 1009.

Even if it should be determined that the service planners in 39-00-02 are not technical employees, I conclude that they perform work of a technical nature and share a community of interest with other technical employees throughout BGE, such as designers, drafters, and project design coordinators, whom I have included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, 174 NLRB at 1006 (employees whose work involved technical skills, requiring the use of independent judgment included in a technical unit even if they did not meet the definition of technical employee). I note that the service planners perform technical functions and utilize design and drafting skills that are distinct from the functions and skills of production and maintenance employees. They work under completely different working conditions from production and maintenance employees, using CADD, much like the other design personnel found to be technical employees throughout BGE. They share no common supervision with production and maintenance and their contact with them is limited to collecting information to assist with the preparation of engineering designs. Cf. Capital Temptrol Corp., 243 NLRB 575, 585-86 (draftsmen lack community of interest with production and maintenance employees); Container Research Corp., 188 NLRB at 588 (same); see also, Weldun Int'l, Inc., 321 NLRB 733, 735 (1996); Power Inc., 311 NLRB 599, 608 (1993), *enfd.*, 40 F.3d 409 (D.C. Cir. 1994); Penn Color, Inc., 249 NLRB 1117, 1120 n. 13 (1980); Maryland Cup Corp., 171 NLRB 367, 369 (1968). In these circumstances, I shall include the service planners in 39-00-02 in the BGE-wide technical unit with other technical classifications throughout BGE, who perform similar work under similar working conditions for the same pay and benefits.

2. Design & Engineering Section, 39-01-01 – Director, Jeannette Mills Customer Communications Support Unit, 39-01-02

Jeannette Mills is the Director of Design Engineering in the New Business and Construction Department 39-00-01, under Department Manager, Johnny Magwood. The Design Engineering Section is made up of five units: Customer Communications and Support; Residential and INC Services (North Unit and South Unit); Residential Development Unit; and Project Engineering and Design Unit that became part of the Section in August 1999.

The Customer Communications and Support Unit is the hub of the Design & Engineering Section. This unit is where external customers call in to request new gas or electric service or changes in service. The new business service specialists handle these calls. The Customer Communications and Support Unit also communicates between Design and Construction concerning the status of a job. This unit also creates the job jackets that are used field crews. In addition, this unit handles damage investigations and special issues or cases that have been reported by customers directly to management.

The parties are in dispute as to several job classifications in 39-01-02. The Employer contends that the new business service specialists, assistant service planner, distribution processor, and customer service investigator should vote in the BGE-wide production and maintenance unit. The Petitioner would exclude each of these job classifications from any appropriate unit.¹³

Assistant Service Planner, 39-01-02

There are two assistant planners in pay grade 29 in 39-01-02. (The service planner position was eliminated from the unit in 39-01-02.) The assistant service planners share unit supervision with the customer service investigator (disputed classification) in work group 1. The assistant service planners work in a typical office environment at Dorsey. They generally work 7:00 a.m. to 3:30 p.m., with flex time. The assistant service planners sit between the distribution processors and the new business service specialists (disputed classifications).

The assistant service planners work in the office about 99 percent of the time and spend about 90 percent of their time handling customer inquiries regarding relocation of facilities, such as meters or poles. They are typically on the telephone most of the day. They talk to the customers on the telephone to determine what facilities they desire to relocate. They use charts to estimate the cost of the service and they provide customers with pricing information for relocation of company facilities. Typically, these are ballpark or flat rate prices. They do not provide customers with a detailed cost estimate. They follow up with a form letter to the customer and make entries of estimates into the WMS system. For complicated cost estimates, they forward the matter to service planners in 39-01-03 and 39-01-05.

¹³ At the hearing, Petitioner withdrew its original contention that the assistant service planners in unit 39-01-02 are technical employees who should be included in the ETDD technical unit sought in 14908 and now takes the position that this classification should be excluded from any unit found appropriate.

The assistant service planners extensively input data into WMS to document customer requests, the costs that customers have been quoted, and the date a form letter is sent out. Every job generally has a WMS number. The assistant service planners need to look at the primary and secondary maps to determine if gas and electric service is available in certain locations. They also need to be familiar with the overhead construction standards, underground construction standards, and the EDE handbook in order to answer certain customer questions.

Unlike the service planners, however, the assistant service planners do not prepare drawings that are updated by the Maps and Records area. They may create simple sketches less than five percent of the time. On rare occasions, they may talk to a meter inspector about whether something can be done for a customer in the field. They respond to inquiries from customers concerning the availability of gas and electric distribution facilities. They investigate customer inquiries regarding a potential interference with existing company facilities. They review gas and electric service orders that request an increase service to determine the adequacy of existing equipment. They recommend equipment changes, including duct surveys as required. They keep and update records of distribution facilities, including maps and other aids. They create folders that contain customer names, addresses, and WMS numbers.

The assistant service planners work during storm emergencies as patrollers and they work during outages, as required. They must have four years of experience in either construction, design or drafting. CADD training is not required for this job. They receive training concerning standards of business conduct that is taken by all utility and subsidiary employees, who deal with customers.

I conclude that the assistant service planners in 39-01-02 are essentially customer service representatives who utilize traditional office clerical skills and do not share a community of interest with employees in any of the units found appropriate herein. The assistant service planners have different skills and functions than production and maintenance or technical employees. They work in the call center, handling inquiries from outside customers regarding relocation of service or facilities. They spend most of their time in the Dorsey office on the phone, communicating with customers, consulting charts to determine basic fees, relaying that information to the customer, following up with a form letter, and maintaining job folders. They forward complicated customer inquiries to the service planners 39-01-03 or 05. Unlike assistant service planners in 39-01-04, the assistant service planners in 39-01-02 generally do not perform design work and CADD training is not required for their job. Rather, they are required to take a course in standards of business conduct for employees who deal with customers. In these circumstances, I conclude that the assistant service planners in 39-01-02, like the employees in BGE's main call center in Department L3 of the Retail Services Division, whom the parties agreed to exclude from any of the petitioned-for units, are essentially customer service representatives. The Board has traditionally excluded such employees from production and maintenance or technical units. For example, in Harron Communications, Inc., 308 NLRB 62, 63 (1992), the Board concluded that customer service representatives who scheduled customer appointments and maintained records should be excluded as office clerical employees despite their daily contact with production employees. See also, Cablevision Systems Development Co., 251 NLRB 1319, 1324 (1980); cf., Tidewater Telephone Co., 181 NLRB 867, 867-68 n.3 (1970), and Concord Telephone, 248 NLRB 253 (1980) (finding units of plant employees to be appropriate without the inclusion of customer service departments).

The record established that the assistant service planners utilize traditional clerical skills, work in a typical office location that is separate from production and maintenance employees, and

have separate supervision. There is no evidence of face-to-face interaction or interchange between the assistant service planners and production and maintenance employees. The fact that they handle paperwork that is ultimately utilized by the construction crews, or that they occasionally confer by telephone with construction personnel regarding the status of a job is insufficient to convert them into plant clericals. Cooper Hand Tools, 328 NLRB No. 21, slip op. at 4 (1999); Weldun, Inc., 321 NLRB 733, 735 (1996); Continuous Curve Contact Lenses, 236 NLRB 1330, 1332 n.6 (1978); Nuturn Corp., 235 NLRB 1139 (1978). In addition, the record established that their duties are substantially different than those of the technical employees, whom I have included in the BGE-wide technical unit. Rather, the nature of their jobs and working conditions established that they are customer service representatives with office clerical skills. In these circumstances, I shall exclude the assistant service planners in 39-01-02 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1005-06; General Electric Co., 147 NLRB at 560; see also, United Shoe Corp., 185 NLRB at 201; The Armstrong Rubber Co., 144 NLRB at 1118.

Customer Service Investigator, 39-01-02

There are two customer service investigators in work group 1 in 39-01-02. They split the BGE territory in half. They share unit supervision with the assistant service planners, whom I have excluded from any of the units found appropriate herein. The customer service investigators primarily deal with customer complaints. They typically wear khaki pants and a dress shirt to work, although some wear a tie.

The customer service representatives typically work 7:00 a.m. to 3:30 p.m., with flex time. They generally report to the office at Dorsey in the morning, and then go out into the field for the rest of the day. They report back to the Dorsey office the next morning. The customer service investigators spend at least 85 percent of their time in the field. Thirty percent of the time that the customer service investigators are in the field, they are dealing with customers. They use a measuring wheel to measure off distances. Occasionally, when they are in the field, they will call back to the office to speak with the new business service specialist, if they have a question.

The customer service investigators handle the investigation of customer complaints regarding damage done by construction crews, either BGE crews or contractor crews. They also handle customer complaints or letters that go directly to management (management cases) concerning dissatisfaction with charges or work performed by New Business and Distribution Construction. The customer service investigators also review written complaints or Y-14s that come from the Customer Care Center and that usually concern issues relating to the Capital Construction Master Section 39-10-01 of the New Business & Distribution Construction Department 39. They investigate by contacting the actual crew that performed the work. That may require them to go out in the field and meet with an overhead crew leader or mechanic or contractor working for BGE. If the complaint involves a metering crew, the customer service representative will contact or meet with a meter crew leader, meter inspector, or meter mechanic. Occasionally, maybe 10 percent of the time, the customer service investigators talk to underground lines crews, such as cable splicers or cable splicer trainees, who have some involvement in about one third of the new business jobs.

The customer service investigators also handle "switch meter cases" that involve a mix up of customer meter numbers. They correct billing errors related to switch meter cases. When they are working on switch meter cases, they typically work alone. When there is a switch meter

case that has come in from the Customer Care area or from New Business, the customer service specialist will go out into the field with personal protective gear including a hard hat, sturdy shoes, safety glasses, and a vest. They will match up the meters with the appropriate addresses. They do about 300 switch meter investigations a year. They spend at least 50 percent of their time on “switch meter cases.” They enter basements or other meter rooms to look at the meter numbers. Sometimes, they have to throw a breaker to determine whose service is going to be shut off.

During their investigation, the customer service investigators will try to determine what occurred and will make recommendations as to what should be done to rectify the situation. The customer service investigators must obtain supervisory approval before settling a case. The customer service investigator makes a settlement recommendation to a supervisor or the senior construction inspector. About 60 percent of the time, their recommendations concerning cash settlements are accepted by supervision. Customer service investigators can credit an account in the CIS. The special billing unit actually cuts a check for cash settlements. Sometimes, the customer service investigator might personally deliver a check to a customer.

The assistant service planners, new business service specialists and distribution processors generally share common local Results Incentive Award (RIA) goals based on a customer satisfaction survey and based on commitment dates that are shared with Capital Construction, 39-10-01. The customer service investigators also have a separate local goal that is based on the turnaround time for resolving investigations. The record established that the record testimony outlined above concerning the functions of the customer service investigator classification is more accurate than the applicable job description (Er. Exh 4, #738B).

I conclude that the customer service investigators in 39-01-02 do not share a sufficient community of interest with employees in any of the units found appropriate herein. Although the customer service investigators spend approximately 85% of their time in the field, they spend over 30% of their time meeting with customers and over 50% of their time on switch meter cases working alone. When they interact with construction crews, it is solely to determine how damage occurred in a particular case and to find out how to rectify the situation. Thus, unlike the situation in Baltimore Gas & Electric, 138 NLRB 270 (1962), where inspectors were included in a production and maintenance unit, there is no evidence here that the customer service investigators ever work directly with the construction crews or share common supervision. Rather, the record established that their only contact with construction crews is in a fact-finding capacity, and the record does not indicate how often these fact-finding contacts are with rank-and-file employees or with supervisory personnel. There is no evidence that the customer service investigators perform any physical production and maintenance work or technical work and there is no evidence of interchange with any unit employees. Rather, they investigate damage caused by production and maintenance employees and have interests that may be conflict with those production and maintenance employees who are the subjects of their investigations. In these circumstances, I shall exclude the customer service investigators in 39-01-02 from any of the units found appropriate herein. Weldun International, Inc., 321 NLRB 733 (1996), enf’d in part, 165 F.3d 28 (6th Cir. 1998); Power Inc., 311 NLRB 599, 608 (1993), enf’d, 40 F.3d 409 (D.C. Cir. 1994); Penn Color, 249 NLRB 1117, 1120 (1980). See also Brown & Root-Northrop, 174 NLRB at 1006 (employees who do not perform work of a technical nature excluded from a technical unit); General Electric; 147 NLRB at 560 (same).

Distribution Processor, 39-01-02

There are four distribution processors in pay grade 26, who are administratively assigned to 39-01-02. Angie Berlin and Barbara Summers work for 39-01-02; Debbie DeMarco and Emily Hennigan perform work for the Project Engineering and Design Unit 39-01-07. There are no distribution processors in the Project Engineering & Design Unit 37-01-07 anymore. The two distribution processors that had been in 39-01-07 (DeMarco and Hennigan) are organizationally reporting to 39-01-02. The work that they perform, however, is in support of 39-01-07. The distribution processors are supervised by the principal distribution processor - work leader in work group 3. There are no other classifications in this work group

In August of 1999, the Design & Engineering Section acquired the Project Engineering and Design Unit. The latter unit had two distribution processors at Front Street, Debbie DeMarco and Emily Hennigan. They were moved to the Dorsey location where they perform processing for the Project Engineering and Design Unit. As noted above, distribution processor, Carol Hartline, is located at Front Street and performs processing for the Strategic Customer Engineering Unit in 39-00-02. Distribution processors, Barbara Summers and Angie Berlin, perform processing functions for the other three design units, the Residential Development Unit 39-01-04 and the Residential and I&C Services North and South Units 39-01-03 and 05, respectively. The distribution processors typically work from 7:00 a.m. to 3:30 p.m., with flex time.

Distribution processors Angie Berlin, Barbara Summers, and Debbie DeMarco work at Dorsey in 39-01-02. Ms. DeMarco began working for 39-01-07 in February 2000. Prior to that she was working in 39-01-02 and performing the same work that distribution processors, Angie Berlin and Barbara Summers, perform in 39-01-02. Distribution processor, Emily Hennigan, also works at Dorsey in support of 39-01-07.

Director Mills testified concerning distribution processors, Ms. Berlin and Ms. Summers. They typically work 7:00 a.m. to 3:30 p.m. in order to be available for Construction or Design. These distribution processors work for 39-01-02. They spend about 100 percent of their time in the office. They put together job jackets for the service planners and engineers in 39-01-03 and 39-01-04 and 39-01-05. They are responsible for maintaining the files for job jackets. They maintain 20 to 30 file cabinets, each with five drawers. They make copies of prints. They use large OSA printers to make copies of the prints that are developed or drawn by service planners or design personnel. They fill out paperwork and make application for joint trench work that is performed with other utilities or cable companies. They send this paperwork to the appropriate agency. They make follow up phone calls to the utilities. They apply for permits at county agencies so that construction crews can work on certain roads.

They basically put together a job jacket with all the appropriate paperwork so that construction crews can build the job. They use WMS extensively (about 85% of the time) to release jobs to construction and to make notations concerning permit or joint trench applications. On average, they receive a call per day from service planners in the field asking them to release a certain job. To release a job on the WMS system, they just click a button. They interact with service planners and assistant service planners in 39-01-03, 39-01-04 and 39-01-05, whether in person or on the phone, about construction jobs that will be released. They contact the service planners to let them know that their jobs are coming up for release. The frequency of contact depends on customer commitment dates. Distribution processors prepare some statistical reports

that are related to the jobs that they are processing. These reports are prepared for supervision. Distribution processors rarely (once or twice a year) prepare a report related to their own work. At times, they use the Customer Information Service (CIS) system for billing purposes. Much of their work involves use of a computer. There are currently some contractor employees working in 39-01-02, who perform data entry functions to supplement the distribution processors' work.

The record established that Debbie DeMarco and Emily Hennigan perform similar work for the Project Engineering and Design Unit 39-01-07. They both work in the Dorsey complex. Ms. DeMarco handles the paperwork for that Unit's Relocation Design Work Group. Ms. Hennigan handles the paperwork for the Project Design Work Group. They both support the Foreign Attachment Design Work Group. Like Ms. Berlin and Ms. Summers, they apply for permits and assemble and route job packages.

I conclude that the distribution processors in 39-01-02 are office clerical employees who do not share a community of interest with employees in any of the units found appropriate herein. They have different skills and functions than unit employees. They provide support for the engineers and service planners by assembling the paperwork for job jackets, applying for various permits, and entering status information into the WMS. They maintain numerous files. They check on jobs for the planners and remind them when jobs are due for release to construction based on the information contained in the WMS. Much of their work involves data entry and use of the computer. Moreover, there are some contractor employees working in the unit, who also perform data entry to supplement their work. There is no evidence of any significant face-to-face interaction or any interchange between the distribution processors and production and maintenance employees. The fact that they handle paperwork that is ultimately utilized by the construction crews, or that they occasionally confer by telephone with service planners regarding the status of a job is insufficient to convert them into plant clericals. Cooper Hand Tools, 328 NLRB No. 21, slip op. at 4 (1999); Weldun, Inc., 321 NLRB 733, 735 (1996); Continuous Curve Contact Lenses, 236 NLRB 1330, 1332 n.6 (1978); Nuturn Corp., 235 NLRB 1139 (1978). In addition, their duties are substantially different from those of technical employees, who are primarily engaged in design, drafting, the writing of detailed operating instructions, or other technical work that requires specialized knowledge and skill. Therefore, I shall exclude the distribution processors in 39-01-02 from the BGE-wide technical unit found appropriate herein. Brown & Root-Northrop, 174 NLRB at 1005-06; General Electric Co., 147 NLRB at 560; see also, United Shoe Corp., 185 NLRB at 201; The Armstrong Rubber Co., 144 NLRB at 1118. In sum, I find that the nature of the distribution processors' jobs and working conditions established that they are office clerical employees. They work in a traditional office setting, performing traditional clerical tasks, and share no supervision with production and maintenance or technical employees. In these circumstances, I shall exclude the distribution processors in 39-01-02 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994).

New Business Service Specialist, 39-01-02

There are three new business service specialists in pay grade 28 in 39-01-02. Like the assistant service planners in this unit, two of the new business service specialists work in the call center, answering calls to initiate or relocate service, or inquiring about the status of on-going work. They use the WMS to check ongoing work, to schedule jobs, and to determine to whom inquiries should be forwarded for follow-up. They also process certificates from local jurisdictions that permit installation of gas and electric meters. They typically work 7:00 a.m. to 3:30 p.m., with some modified flex time. During these hours, they provide phone coverage for

construction crews. On a daily basis, the new business service specialists receive and review the Capital Construction location sheet to determine where to contact field crews for phone calls.

The new business service specialists in the call center spend about 100 percent of their time in the Dorsey Complex, a typical office environment. At least 85 percent of their time is spent on the phone with customers or with construction personnel such as service planners. The new business service specialists primarily answer the telephone when customers call in to initiate a job for new service, an increase in service, or relocation of service. BGE has asked customers to call the 850-4620 number at the Dorsey headquarters for concerns related to new business. For example, if a customer calls in and requests that a pole be relocated, the new business service specialist takes down the customer's name and address, and what they would like to have done, and inputs this information into the WMS system. They ask the customer for personal information to complete a new service application and they issue a service order in WMS. The scheduling is done automatically by the WMS system, depending on the job category and type. Once the data is entered by the new business service specialist into the WMS system, it is distributed electronically to service planners at service centers in Capital Construction so that they can plan the work.

The new business service specialists spend more than two thirds of their time performing the foregoing tasks so that jobs may be scheduled for Capital Construction. Their remaining time is spent performing tasks such as matching certificates to addresses in order for meters to be set. The new business service specialists make arrangements for meters to be set. They contact municipal subdivisions that issue the certificates that permit gas or electric meters to be set in order to verify whether certificates have been issued. The requests for certificates often come from classifications that set meters, including meter crew leaders and mechanics in 39-12 or 12 (Capital Construction) or the field meter services representatives (included production and maintenance classification) in the Retail Services Division (RSD) in L4-13. The new business service specialists call the Meter Installation Unit in the RSD or the Gas Measurement Section M1-07-01 in order to schedule the service. Sometimes, they might look at the Capital Equipment System or check gas records to determine if a meter number is correct. Occasionally, they will look at secondary maps to find customer addresses. The new business service specialists may also contact the Meter Installation Units in 39-11 when there are questions about commercial jobs.

In response to customer complaints about lack of service, the new business service specialists look up the status of the job in WMS or call Capital Construction to obtain the most current information. As noted, Y-14 tickets are created in the Customer Information System (CIS) to track and document customer complaints. The new business service specialist sends information to service planners in 39-01 via the WMS system or the CIS system.

For the past two years, one of the new business service specialists, Tom Durandetto, has been matrixed from 39-01-02 to Residential Industrial & Commercial (North) 39-01-05, where he performs work for that unit and Residential Industrial & Commercial (South) 39-01-03. Organizationally, Mr. Durandetto works in unit 39-01-02 under Unit Supervisor, Ken McCaskey (Ms. January's successor), but functionally he is matrixed to 39-01-05 as a new business service specialist. His performance appraisal is completed by 39-05-01 Unit Supervisor, Stephen Schneider. Mr. Durandetto returns to 39-01-02 two days a week to field phone calls at the Call Center. The record established, however, that for the foreseeable future, Mr. Durandetto is going to be in 39-01-05 and that there are no current plans to end the existing matrixing relationship.

While in 39-01-05, Mr. Durandetto oversees a resource planning center, that is staffed with two contractor employees. BGE uses the two contractors and Mr. Durandetto to cull information from WMS and to fax or mail information requests to customers prior to initiation of job action. The contractors perform supplemental or overflow work entering service orders for the distribution processors. The purpose of the center is to send paperwork out to the customers and make sure that customer information is being received by BGE at the start of the new business process. Mr. Durandetto and the contractors assemble and track information for the customer, pull the information necessary for job packages, process meter orders, and enter service orders into the WMS.

Mr. Durandetto spends all of his time in the Dorsey complex. When under Mr. Schneider's supervision in 39-01-05, he works 6:30 to 3:00 or 7:00 to 3:30, with flex time available. When he returns to field phone calls in 39-01-02, his hours fluctuate between 7:00 a.m. to 3:00 p.m., 8:00 a.m. to 4:30 p.m., or 8:30 a.m. to 5:00 p.m., depending upon the slot that he fills. With regard to the three days a week that Mr. Durandetto is matrixed to 39-01-05, he spends at least 75 percent of the time working with the two contract employees and working on the computer. As noted above, the two contract employees perform data entry work in 39-01-02 and supplement the work of the distribution processors. The contract employees take direction from Mr. Durandetto and the unit supervisor.

Mr. Durandetto performs various functions for 39-01-03, 04, and 05. As noted, he oversees the Resource Center. When a customer calls into 39-01-02, the Call Center, a job is created in WMS that displays basic customer information. That information is forwarded to the new business service specialist and segregated as residential or industrial and commercial. Mr. Durandetto and the other contractors he oversees, put together a packet of information that consists of a letter and contract to the customer. The customer is asked to provide information about the load that they plan to place on the system and they are informed about standard services and charges. If the customer does not return the packet with the requisite information in 30 days, the job is canceled and purged from the active system. If the customer submits the requisite information within 30 days, then the new business service specialist and the contractors pull the primary, secondary and feeder prints, package the prints with the information in the site plan provided by the customer, and forward the job through WMS to the service planner or engineer, who contact the customer.

Mr. Durandetto also performs some meter order entry similar to that performed by the distribution construction processors. The meter order is initiated in the WMS by either the service planner, the engineer or the distribution processor, depending upon who enters the job into WMS. That meter order is entered into the Automated Meter Ordering System (AMOS) for gas measurement purposes by Mr. Durandetto. The new business service specialist fills out an automated metering order (AMO) that sets forth the specifications required to set up a gas meter manifold for industrial and commercial customers. The AMO tells the principal I/C gas technician (included production and maintenance classification), and the I/C gas technician (included production and maintenance classification), who set gas meters for the gas measurement unit in M1-07-03, how many customers are coming on. When the new business service specialist enters the AMO into the Meter Order Processing System (MOPS), that order is reviewed by the measurement and data control technician (included production and maintenance classification) in M1-07-02 for accuracy and completeness. If there is a problem, they may interact by phone. If not, the gas technicians in M1-07-03 perform the installation. Thus, when working for 39-01-05 or 03, Mr. Durandetto has to be able to use WMS to manipulate data and perform data entry functions. He also needs to be proficient with the meter order processing

system. Mr. Durandetto's work history shows that he previously worked in the Gas Distribution Division as an appliance service man and gas appliance mechanical trainee.

In 1996, the new business service specialists were classified as call representatives. In 1996, the Regional Director excluded the call representatives from the petitioned-for unit as office clericals. Er. Exh. 9C at p. 5-20. They did not vote subject to challenge. Er. Exh. 9B. The record established that the job has essentially remained the same, but that the title was changed to more accurately reflect the job function. Their title was changed to customer service specialists and then to new business service specialists. According to Ms. Mills, BGE changed the title to reflect the fact that, in addition to taking calls, these employees needed an understanding of the design and construction processes and a distribution background to do their job effectively. She testified that it is helpful to have an understanding of the processes within design and construction and to have a distribution background in order to effectively perform the new business specialist job. She was unable to say, however, whether either of the new business service specialists working in the call center had distribution backgrounds.

The record testimony indicates that the new business service specialist needs to be able to interpret what the customer is trying to explain to them and needs to have a basic understanding of the construction process in order to resolve customer questions. Every now and then, the new business service specialist might get an unusual request that they do not understand and they will consult with the assistant service planner to help them determine what the customer wants. The record testimony established that customer care representatives in the Retail Services Division generally do not possess sufficient distribution knowledge to perform the job of new business service specialist and there are significant differences between the two jobs.

I conclude that the new business service specialists in 39-01-02 and 39-01-05 are office clerical employees and do not share a sufficient community of interest with employees in any of the units found appropriate herein. The record established that the new business service specialists utilize traditional clerical skills, work in a typical office location that is separate from production and maintenance employees, and have separate supervision. They primarily receive calls directly from customers and enter data from these customer calls into the WMS. Their telephonic interaction with unit employees is limited to gathering or passing along information. They spend most of their time working in office environment performing duties that are traditionally associated with clerical employees. For example, they provide phone coverage and take phone calls for unit employees; obtain personal information from customers and input such data into the computer system; fax or mail customer information; and process paperwork, certificates, and meter orders. Although BGE claims that these jobs now require a more technical background than they did in 1996, the Employer offered no evidence that the jobs involve any greater degree of functional integration or direct contact with production and maintenance employees or technical employees than they formerly did. In fact, Mr. Durandetto's contacts are primarily with contractor employees, and any contacts between the call center and construction personnel are by telephone. There is no evidence of face-to-face interaction or any interchange between the new business service specialists and production and maintenance employees or technical employees. The fact that they process data that is ultimately utilized by service planners or other unit employees or that they occasionally confer by telephone with unit employees regarding the scheduling of a job is insufficient to convert them into plant clericals. Cooper Hand Tools, 328 NLRB No. 21, slip op. at 4 (1999); Weldun, Inc., 321 NLRB 733, 735 (1996); Continuous Curve Contact Lenses, 236 NLRB 1330, 1332 n.6 (1978); Nuturn Corp., 235 NLRB 1139 (1978). In addition, the record established that their duties are substantially different than those performed by the technical employees whom I have included in the BGE-wide technical

unit in 5-RC-14908. Brown & Root-Northrop, 174 NLRB at 1005-06; General Electric Co., 147 NLRB at 560; see also, United Shoe Corp., 185 NLRB at 201; The Armstrong Rubber Co., 144 NLRB at 1118. Rather, the nature of their jobs and working conditions established that the new business service specialists, like the assistant service planners, are essentially office clerical employees. In these circumstances, I shall exclude the new business service specialists in 39-01-02 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994).

**Residential Industrial & Commercial Services (North), 39-01-03
Supervisor, Bernard Thuman, Jr.**

**Residential Industrial & Commercial Services (South), 39-01-05
Supervisor, Stephen Schneider**

Mr. Schneider was promoted to supervisor of Residential and Industrial and Commercial Services (South), 39-01-05, in April of 1999. He testified concerning sister units, Residential Industrial & Commercial Services North, 39-01-03 and South, 39-01-05. The City of Baltimore and the northeastern side of the city is covered by 39-01-03. Everything southwest of Baltimore is covered by 39-01-05. The employees in both 39-01-03 and 39-01-03 report to Dorsey.

These units perform five functions: residential gas and electric hook up for four homes or less; industrial and commercial gas and electric hook up that involves private relocations for industrial and commercial customers; private relocations of gas and electric facilities for residential customers pursuant to Y-14 requests; work load planning for both units; and oversight of contractors that process front end paperwork to customers. The latter function is performed by the new business service specialist, Tom Durandetto, who has been matrixed to 39-01-05 from the Customer Communications and Support Unit 39-01-02, as discussed above.

The Petitioner contends that the service planners in 39-01-03 and 39-01-05 belong in a technical unit limited to the ETDD. The Petitioner would exclude the work load planner - residential/industrial & commercial services classification from any appropriate unit. BGE contends that the service planners in 39-01-03 and 39-01-05 and the work load planner in 39-01-05 should vote in a production and maintenance unit. My findings as to the voting eligibility of Thomas Durandetto, the new business service specialist in 39-01-02, who is matrixed to 39-01-05, have been set forth in the discussion immediately preceding this section.

***Service Planner, 39-01-03
Service Planner, 39-01-05***

The service planner job classification was created in 1995 when New Business Construction was created. Prior to 1995, distribution designers and distribution technicians were performing this work. There are four senior service planners (excluded work leaders) in 39-01-03 and 05, who oversee the service planners. The service planners in 39-01-03 and 39-01-05 are specifically assigned to perform either residential, industrial and commercial (I&C) or relocation work. The service planners in 39-01-03 and 05 are expected to be able to perform all three types of work, residential, Y-14 or relocation work, and I&C work, although BGE prefers to keep them confined to the three different areas. Typically, the service planners work from 7:00 a.m. to 3:30 p.m., with flex time, to accommodate construction personnel and outside customers.

As described above, a customer typically will call up the new business service specialist in 39-01-02, who enters the job into the work management system and forwards it to the Resource Center. The Resource Center sends information out to the customer and when the information is returned from the customer, the job is put into the service planners' work queue and a work package is given to the service planner. The work package is put together by contractors at the Resource Center, who are overseen by the matrixed new business service specialist, Tom Durandetto. The work package includes the application from the customer, the primary print that reflects BGE's internal record of the high voltage cables and transformers, a secondary print that reflects the transformers and low voltage cables, and a feeder print that reflects a one-line diagram of the system. The service planner takes that information and looks at the plans that are supplied by the customer, including the number of units or appliances that will use electricity (load) and then visits the job site. The vast majority of the time that the service planner spends out in the field is before construction crews have started work. They meet with the engineer, customer, and perhaps with the meter inspector. In the field, the service planner identifies what facilities can be used to connect the load to the system.

The load calculations that are performed by service planners, such as the flicker calculations and voltage drop calculations, are done on the computer. If the computer system goes down, the senior service planners and engineers are capable of performing these calculations by hand. The service planners in 39-01-03 and 05 calculate load using an Excel spreadsheet program and certain algorithms based on load information provided by the customer. The service planners consult the Electric Distribution and Engineering handbook or a series of loading charts to determine what size or type of electrical cable or overhead wire and transformer need to be added to the distribution system to handle the new load, or to determine whether a connection can be made to an existing underground cable or overhead wire or transformer to carry the load. The size of cable is set forth in the EDE handbook, either in chart format or tabular format, based upon the load. The service planner sizes the cable based upon the demand of the load. There are a series of overhead and underground standards generated by engineers that the service planner consults to determine what pole or underground cable in the infrastructure can be utilized. The service planner uses the Distribution Management Information System to check facility records. For example, the service planner would type in the pole number to determine if it can handle the new load based on the overhead construction standards, or determine whether the utility pole is too old or needs to be replaced. The service planner then creates a one-line schematic or cut in sheet that diagrams the infrastructure that will be used on the electric distribution system to supply the new load. Information such as the feeders and grids are identified and each transformer is numbered. The service planner also decides what fuses to use based on load charts.

After gathering all this information from the field, the corporate databases, and the customer's site plan, the service planner creates a construction print (either by hand or via CADD) that will eventually be sent to construction crews to build the job. See e.g., Er. Exh. 261D. The customer site plan provides the basic outline for the print that the service planner puts together. Frequently, the service planner can trace over the customer site plan or have it digitized in CADD and then place BGE infrastructure over the top of the customer site plan. The service planner will take the print from the customer and superimpose it on a light table or trace what the customer had on there, and then add utility instructions and curve lines and property lines. Much of the scale or the linear distance on the drawings comes from the customer site plan. Alternatively, the service planner uses a cyclometer when in the field to measure distances.

On the construction print, the service planner sets forth critical dimensions to build the job per the arrangement with the customer. The service planner explains in BGE symbology or nomenclature, how to route the job with underground cable or where to set the transformer. BGE has a series of symbol libraries that have been created in CADD. Consequently, if a service planner needs to put a transformer or switch gear or some piece of equipment on the print, they can select it and drag it to the print. They will either digitize or trace the job on computer, or scan it in and overlay symbols on top to create the design.

The service planner will make a notation on the print when there has been an offer for joint trenching. As noted elsewhere, typically the distribution processors in 39-01-02 will file the requisite joint trench forms. When the service planner creates the construction print, he also inputs the work to be done into the work management system (WMS). The WMS system prints out a fairly complex listing from the computer database of cost, time, and material associated with the job. The construction print is reviewed by the customer before construction begins. The senior service planners in both 39-01-03 and 39-01-05 ensure that the job, as printed by the service planner, passes engineering and construction design standards so that when the load is added to the system, it performs properly. Engineering also signs off on the print.

The service planners spend about 85% of their time in tasks directed toward producing various drawings for the construction crews to build, although they spend only 10 to 15 percent of their time actually drawing. The service planners have large drafting tables that they use to spread out their prints and sketch the information that has been provided by the customer. Some service planners opt not to have a table and do everything by CADD. The service planners use various tools, including the computer assisted design, pencils, triangles, rulers, tracing tables, French curve circles, tape and erasures.

When the design is completed, there is certain paperwork that must also be completed so that the design can be entered into the corporate database. The service planner completes a residential meter service or N-order that documents the low voltage cables that go from the transformer into the meter at the customer's residence. The service planner then hands the N-order to either the distribution processor or a contractor for entry into the WMS system.

Frequently, the service planner needs to create an easement or right-of-way agreement to allow BGE's infrastructure to cross private property. The service planners are required to be notaries and they notarize a form that is signed by the customer to create a right-of-way easement for BGE's equipment. Where this process becomes complex, the permission specialist in 37-05-0A is matrixed to Dorsey to help out. The service planner also completes private permit paperwork for entering private property. The distribution processor will follow through to obtain the permit.

After costs are determined by the service planner and reviewed by the senior service planner in accordance with tariffs, the service planner will draft an extension relocation contract or B-1 contract for the customer and send a copy of the print and any other correspondence necessary. The customer then executes the contract and signs the print and sends the executed documents plus a remittance back to the service planner. The service planner is the primary interface with residential customers for billing and collection of funds. The service planner completes any necessary paperwork and gives the customer's check, executed contract and signed print to the distribution processor. At that point, the job is packaged and released to construction.

Once the job design is released to construction, the service planner is still the single point of contact within the New Business and Distribution Construction Department for customer inquiries about the job. The service planner handles all customer inquiries related to their jobs, unless the customer calls the Call Center or lodges a complaint directly with management. If the construction crews in 39-10 have questions about the construction print, they call the service planner for clarification or arrange a meeting at the site, if necessary, where the service planner could meet with an overhead crew leader, overhead mechanic, meter inspector, senior contractor inspector or supervisor. The service planners discuss estimated versus actual costs with these construction personnel.

The service planners in 39-01-03 and 05 that perform industrial and commercial (I&C) functions are partnered with the engineer in the respective units. About 18-20% of the service planner jobs are I&C jobs. For small I&C jobs, the service planner does the EDE calculation and customer contact. On a larger job, the service planner will draw or create a print and package it up and the engineer will do the estimation of revenue. The engineers do not work on the smaller jobs.

The industrial and commercial jobs involve larger loads with greater systemic impact. There are more operational and design issues involved with this work such as hooking up new industrial and commercial loads, increasing existing loads, or designing privately funded relocations. The I&C jobs typically require more time to work on than the residential jobs because of the complexity associated with the job. There are more hours per design associated with an I&C job than with the other two categories of jobs.

As noted, in the I&C area, the engineer generally calculates the diversified load and determines the customer's revenue allowance and determines how to hook up to the system with fusing. The engineer then gives this information to the service planner, who generates a one-line diagram. At that point, the industrial and commercial service planner will determine what the field conditions look like. Sometimes the engineer will visit the field with the service planner or they will meet someone from construction to help them draw out, or line out, the job.

The I&C service planner then creates a construction print. The I&C service planner uses CADD to digitize the print from a customer disc as much as possible. The I&C service planner enters unit data into the WMS system to generate costs, hours and materials needed to perform the job. Unlike the residential service planner, the I&C service planner generally does not draft the contract, determine costs, collect remittances or perform billing tasks. The material and standards used to design an industrial and commercial job by the engineer and service planner are placed in the work package by work management number. After the job is completely designed and released to construction, the engineer typically acts as the interface throughout the job, although the engineer may bring in the service planner.¹⁴

The private relocation service planner performs functions very similar to the residential relocation service planner, except the former does not use the tariff listing for pricing. Other than pricing, the billing and remittance functions are similar. There is no engineer paired with the private relocation service planner. The service planner for relocations is supervised by the senior service planner, who performs the design check, sends the bill and obtains the check from the

¹⁴ For any single-phase industrial and commercial applications, or any three-phase load with 100 amps or below, the service planner would be the point of contact for the customer. Otherwise the engineer is the point of contact for the customer.

customer. The private relocation service planners are used to supplement residential service planners, as needed.

Pricing determinations differ for gas as compared to electricity. Residential gas pricing is done by the gas business planning analyst (excluded classification) in M2-03-04, not the service planners. For the industrial and commercial work, a group of gas distribution designers and assistant gas distribution designers in M2-05-02 (disputed classification) basically determine the pipe, size, routing, and costs. The industrial and commercial service planners input the data from the Gas Distribution Division into their compatible unit entries in the work management system to make sure the design adheres to the economic analysis prepared in M2.

There are no formal educational requirements for the service planners. With regard to skill and training, the service planners need to be familiar with equipment in the field and to be able to interpret the overhead, underground and gas standards. To calculate the diversified load demands, they use computer-generated algorithms derived from the standards in the EDE handbook. Record testimony established that high school mathematics is adequate to perform the service planner job and they do not need any higher level education in math. The service planners need to be able understand basic electrical theory and to identify electrical equipment such as a high or low voltage wire. The service planners are certified to perform low voltage work. The service planners are not required to know the National Electric Code, just overhead and underground electrical standards. They need drawing skills and must communicate clearly on prints. The service planners need good customer communication skills because they are often the primary contact with the customer. The service planners need to be familiar with service tariffs. They negotiate service dates and communicate job status information to customers. When in the field, they use a hammer and stake to mark pole or transformer locations right before construction forces go out to build the job. Typically, they have a print in hand and use a cyclometer. They use a tele-height to measure clearances. One of the service planners is trained to use an M-scope to locate underground cable or equipment. Like the overhead crew leaders, overhead mechanics and senior construction inspectors, the service planners are trained about wetlands and soil and sediment control. Besides the service planners, other job classifications that have to recognize BGE facilities out in the field or be familiar with the metering book, include the overhead crew leader, overhead mechanic, senior construction inspector, meter inspector, meter mechanic, meter installer, supervisor of distribution construction, and senior service planner.

There are no special courses required for the service planner positions, although the job training histories and employee educational assistance course records for the service planners show a wide variety of corporate-sponsored training and coursework to improve performance, safety, and knowledge related to the job. Several service planners have taken a distribution design class or a class concerning electrical distribution systems sponsored by the Institute of Electrical and Electronic Engineers, Power Engineering Society, Baltimore Chapter. Service planners have been trained to use Microstation CAD. The service planners have also had group training with engineers regarding new sections in the EDE handbook. The service planners have also received formal training sessions called Tech Sessions that concern gas distribution standards that are used by gas construction crews. The Tech Sessions are conducted by an Gas Division representative in Department M-2 three or four times a year for a couple hours. They are designed to refresh the service planners and engineering forces on various design issues in gas distribution and metering. The service planners also receive training on changes to business practices such as how to fill out extension relocation contracts or how to handle time and use rate

changes in a deregulated environment. There are always informal training sessions that service planners attend such as a training session on the interpretation of a tariff or on new gas meters.

No formal education in surveying is required for the service planner position. Metes-and-bounds surveying is performed by outside contractors or engineering firms. The service planners, however, need to have basic knowledge of surveying in order to do their job, such as the ability to align a proposed pole, measure from fixed surfaces, recognize station marks in the roadway, or accurately stake proposed locations for facilities, such as transformers and poles.

Typically, the service planners have come from a construction background or from the drafting area in maps and records. Usually, less on-the-job training is required for service planners with a construction background. The service planners, meter inspector, senior construction inspector and overhead crew leaders and mechanics are certified to have AMTRAK Access that allows them to access rail right-of-ways to reach BGE infrastructure.

The record testimony established that the applicable job description (Er. Exh. 4, #334B) is basically accurate. The job description established that the service planner applies knowledge of engineering and design practices to prepare construction details. The record testimony established that the service planner typically obtains the engineering and design practices from the standards books after determining what needs to be done in the field so that construction crews can build the job. The service planner needs to be able to select the proper standard to put onto the construction print.

I conclude that the service planners in 39-01-03 and 05, like the service planners in 39-00-02, are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Their work is of a technical nature, requiring them to convert engineering specifications into an actual plan for performing construction work. The service planners are essentially designers, who create detailed drawings to provide, increase, or relocate service. Like the designers, the service planners have received CADD training and use the CADD system and drafting instruments and aids. A basic qualification for the service planner position is eight years of experience in distribution, design and drafting, or the equivalent combination of formal education/training and experience. In addition, the design functions that the service planners perform are the same as those of the project design coordinators in 39-01-07, whom the parties have stipulated to be technical employees. In these circumstances, I conclude that the service planners are technical employees and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Western Gear Corp., 160 NLRB at 274; see also Allis-Chalmers, 128 NLRB at 89; Waldorf, Inc., 122 NLRB at 805; National Gypsum Co., 116 NLRB at 1009.

Even if it should be determined that the service planners in 39-01-03 and 05 are not technical employees, I conclude that they perform work of a technical nature and share a community of interest with other technical employees throughout BGE, whom I have included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, 174 NLRB at 1006 (employees whose work involved technical skills, requiring the use of independent judgment included in a technical unit even if they did not meet the definition of technical employee). I note that the service planners perform technical functions and utilize design and drafting skills that are distinct from the functions and skills of production and maintenance employees. They work under completely different working conditions from production and maintenance employees, using CADD, much like the other design personnel found to be technical employees throughout BGE. They share no common supervision with production and

maintenance and their contact with them is limited to collecting information to assist with the preparation of engineering designs. Cf. Capital Temptrol Corp., 243 NLRB 575, 585-86 (draftsmen lack community of interest with production and maintenance employees); Container Research Corp., 188 NLRB at 588 (same); see also, Weldun Int'l, Inc., 321 NLRB 733, 735 (1996); Power Inc., 311 NLRB 599, 608 (1993), *enfd*, 40 F.3d 409 (D.C. Cir. 1994); Penn Color, Inc., 249 NLRB 1117, 1120 n. 13 (1980); Maryland Cup Corp., 171 NLRB 367, 369 (1968). In these circumstances, I shall include the service planners in 39-01-03 and 05 in the BGE-wide technical unit with other technical classifications throughout BGE, who perform similar work under similar working conditions for the same pay and benefits.

Workload Planner-Residential/Industrial and Commercial Services, 39-01-05

The workload planner - residential/i&c services job in 39-01-05, hereinafter referred to as work load planner, is a new job classification. This job was filled for the first time on February 14, 2000, by Ms. Ayala. She works 7:00 a.m. to 3:30 p.m., with flex time. The workload planner shares unit supervision in work group 1 with the engineers, as opposed to the service planners, who report directly to a senior service planner. The record testimony established that this job is going to be evolving since it is brand new.

The workload planner, Ms. Ayala, spends about 100 percent of her time at the Dorsey Complex working in a typical office environment. About 90 percent of her time is spent on the computer. The workload planner looks at the entire workload for Sections 39-01-03 and 05, and balances the workload between the four senior service planners and the service planners to most effectively utilize manpower and to ensure that the work is equitably distributed. The workload planner also runs reports concerning productivity and efficiency based on various computer programs. The workload planner prints out raw data that is reviewed and analyzed by supervision. The workload planner serves as a Business Objects reporting analyst for special projects. Business Objects is the querying tool for the Oracle database that uses point and click software for objects. The workload planner also performs entry level communication with the customer for basic questions that are not design specific. For example, Ms. Ayala has been involved with handling customer requests for expediting service scheduling. She looks at the work load of the service planners and then runs the issue by the senior service planner, who contacts construction personnel about the feasibility of the expedited time frame. The workload planner interfaces with the service planners, the matrixed new business service specialist, and the distribution processors in 39-01-02. The nature of the interaction centers around making sure that the workload is well-monitored and balanced.

The workload planner position requires computer literacy skills and a proficiency with Microsoft Office, WMS, DMIS, and other software systems that the service planners use. The computer packages are the primary tools that the work load planner uses to perform her job. The record testimony established that the applicable job description (Er. Exh. 4, #417D) is accurate and that the work planner needs a thorough knowledge of distribution, design and construction standards. There is no advanced degree or special training requirements for the work load planner position.

The work history and record testimony concerning the workload planner shows that she has demonstrated an ability to manage workload and schedule manpower. For example, she previously worked at Calvert Cliffs where she was responsible for maintaining the outage schedule and coordinating the workload associated with bringing the nuclear units back on line.

She was also a distribution construction planner and scheduled service construction crews that performed low voltage cable installations in 39-10-05.

I conclude that the workload planner in 39-01-05 is an office clerical employee, who should be excluded from any of the petitioned-for units. She has different skills and functions than production and maintenance or technical employees. The skills required for this position are typical of an office clerical employee. Thus, the workload planner must be familiar with various computer software programs, have the ability to place data on paper so that others can use it effectively, and must have strong communication skills. She spends 100% of her time in a typical office environment and 90% of that time on the computer. She is supervised by Mr. Schneider and does not share supervision with any production and maintenance employees. Like the distribution processors in 39-00-02, she performs support functions for service planners. The fact that she handles incoming work to distribute to the senior service planners and service planners does not convert her into a plant clerical. Cooper Hand Tools, 328 NLRB No. 21, slip op. at 4 (1999); Weldun, Inc., 321 NLRB 733, 735 (1996); Continuous Curve Contact Lenses, 236 NLRB 1330, 1332 n.6 (1978); Nuturn Corp., 235 NLRB 1139 (1978). Moreover, given the fact that the workload planner lacks the technical skills and interests possessed by employees in the BGE-wide technical unit found appropriate herein, I shall exclude her from that unit as well. Brown & Root-Northrop, 174 NLRB 1005, 1006 (1969) (clerical employees who do not perform technical tasks are not included in technical units); General Electric Co., 147 NLRB 558, 560 (1964); see also, United Shoe Corp., 185 NLRB 200, 201 (1970) (despite routine contact, clericals share no community of interest with technicals due to difference in training and complexity of work); The Armstrong Rubber Co., 144 NLRB 1115, 1118 (1963). In these circumstances, I shall exclude the workload planner in 39-01-05 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

Residential Development Unit, 39-01-04 – Supervisor, Robert Biagiotti

The Residential Development Unit is also located at Dorsey, a typical office environment. It provides gas and electric service to residential developments (single-family homes, townhomes, condos or apartments) of more than four lots. If the development is four or less lots, then the service is handled by either 39-01-03 or 39-01-05. About 80 percent of the work in this unit is gas and electric and about 20 percent is electric only.

The Residential Development Unit handles the initial customer request for service, puts together all of the materials for construction to provide the service, and maintains customer contact throughout the construction process. The typical customer that 39-01-04 deals with are residential developers and builders, who are frequently repeat customers. The Residential Development Unit in 39-01-04 is also responsible for any relocation work associated with the residential development, such as relocating utility poles to different locations.

About 80 percent of the work in 39-01-04 is associated with new gas and electric extensions and 20 percent is associated with relocation work. The typical extension of gas and electric services in these developments has been handled by contractor crews. About 99 percent of the installation of gas mains, electric mains, transformers, and the residential connections is done by contractor crews.

The parties are in dispute with respect to the service planner and assistant service planner job classifications. The Petitioner contends that both of these classifications should vote in the

petitioned-for technical unit limited to the ETDD. BGE contends that both of these job classifications should vote in the BGE-wide production and maintenance unit.

Service Planner, 39-01-04
Assistant Service Planner, 39-01-04

In the Residential Development Unit 39-01-04, the service planner and assistant service planner essentially work as a team to perform the work done by the other service planners in the Residential/I&C Units. The service planners often act as project managers, responsible for maintaining contact with the customer or developer and coordinating all of the details of the job, from start to finish, while the assistant service planner acts as the designer and drafter. The service planners in 39-01-04 perform some design work for relocation jobs. The drawings for the relocation work are somewhat simpler than that set forth in Pet. Exh 94, but contain the same notations and symbology. They also refer to applicable standards and specify the materials to be used. The service planners spend about 5% of their time drawing relocation plans.

The service planners in 39-01-04, like the service planners in 39-01-03 and 05, establish requirements for documentation and billing for the customer. They secure the site plans, load information, and application from the customer, survey the site, and then give this information to the assistant service planner, who prepares the actual construction prints. During the design phase, the service planner generates and processes various applications, billing information and correspondence, and works with the assistant service planner to ensure that all of the necessary information is included in the job packet. The assistant service planner creates the base map, researches records to identify existing facilities, performs the load calculations and designs the best route through the residential community to install the BGE facilities, using the site plan, the EDE handbook, the gas and electric construction standards, and various computer systems. The assistant service planner creates these maps using CADD digitizing boards or by hand. In addition to the construction print, the assistant service planner creates one-line drawings, showing the connectivity of the system. William Anderson, an assistant service planner, testified that creating one drawing can take as long as two days. The assistant service planners spend 90% of their time in their Dorsey office preparing their drawings.

Once the designs are complete, the service planner obtains approvals from the customer, verifies that the paperwork is complete, makes any necessary contacts with representatives in the Gas Distribution Division, and performs a final site survey to check grading and to make sure that sewer, water, curb and property lines have been installed so that the work can go forward. The service planner then releases the job through the WMS to the distribution processors. At that point, the service planner's work is basically complete, except that he remains a point of contact for the senior construction inspector (who inspects the contract crews performing the residential work) and the customer, if problems arise.

There are six service planners in 39-01-04. The service planners typically work 7 a.m. to 3:30 p.m., with flex time. They are available when construction crews or senior construction inspectors are working, so that they can be in contact with them, if necessary. Each service planner is assigned a geographic portion of BGE's service territory. They are responsible for all of the developing and building that goes on in that territory.

The service planners are the primary customer contact to coordinate the supply of new gas and electric service to new customers. Typically, a new customer, who is not familiar with 39-01-04, will call the Call Center where the call will be referred to one of the service planners in

39-01-04. Alternatively, a developer or builder that has dealt with 39-01-04 will call the service planner directly to initiate service to a new development.

The service planner will arrange a meeting in the field with the customer to review the site and to explain requirements concerning site plans, load information and billing information. The service planner will also send the customer a copy of the service application agreement to be returned with complete information about the site plan, appliances, load and other information necessary for building the job. The service planner packages the basic load and site plan information and gives it to the assistant service planner in 39-01-03. The assistant service planner begins to prepare construction prints that are developed and given back to the service planner, who will eventually give them to construction. In 39-01-03 and 39-01-05, the planners begin preparation of the construction prints themselves as there are no assistant service planners in those units. The service planner determines when the customer would like service to begin and works with the assistant service planner to package all pertinent job information in time for release to construction. The service planners in 39-01-04 may also contact the Commercial Credit Unit to check on the credit history of new customers. They also send out a form letter that explains BGE's expectations as construction nears.

About 50 percent of the time, the service planners are working with or developing relationships with customers or servicing customers. They spend approximately 50 percent of their time on the street at sites talking with customers, following up with them on their issues or collecting information.

The service planners also spend approximately 50 percent of their time in the office taking care of all the necessary paperwork to get the job built. They fill out the same sort of paperwork concerning permit sheets that the service planners in 39-01-03 and 05 would be responsible for. Each developer supplies BGE with a general development right-of-way agreement that gives BGE permission to install its facilities along and adjacent to boundaries and right-of-ways. The permission specialist actually initiates the request for the approval of right-of-way. The service planner makes sure that BGE has obtained the necessary right-of-way and that such right-of-way has been approved by the permission specialist in 37-05-0A so that construction can proceed. The service planners in 39-01-04 typically walk over to the desks of the permission specialists at Dorsey to talk to them, or phone them if they can't meet face-to-face. The service planners note approval of the right-of-way in the WMS.

The service planners in 39-01-04 fill out certain forms that the service planners in 39-01-03 and 05 do not deal with, such as a "lots passed agreement" with the developer, or a "B-1 billing vehicle contract" used to estimate customer costs. The service planners in 39-01-04 supply diagrams, that show where road crossings will be, more often than the service planners in 39-01-03 and 05. The developer then puts in conduit so that BGE can run its cables underneath the streets.

As noted, the assistant service planners give the service planners a construction print and bill of materials from WMS. The service planner packages this information in a standard job packet. The service planner then sends a letter to the developer with copies of the construction print, the lots passed contract, and the B-1 billing vehicle contract. The customer (developer) is asked to execute the contracts, verify the mutual understanding concerning where equipment will be placed on site, and return a check for payment. The customer's check is given by a service planner to a distribution processor in 39-01-02, who forwards it to appropriate personnel. The service planner is also in contact with gas development representatives in the Gas Supply

Division. The Gas Division collects money from the customer for the right to extend gas service on the site. The service planner will wait for a call from a monthly employee in the Gas Division before the service planner releases the gas job for construction.

A senior service planner work leader in the unit reviews all work that is released to construction. He checks the quality of the job and makes sure that the work is getting out the door in a timely fashion. He is also responsible for balancing workload in the unit.

When the residential developer/builder is ready to have BGE facilities installed, the service planner will again visit the customer's site. The service planner will perform an inspection to make sure that sewer and water have been installed, that curb lines and property lines have been installed, and that the site is at the proper grade so that construction crews can perform their work. The service planner typically will wait for a phone call from the customer before deciding to release a job. At that point, the service planner releases the job through WMS to the distribution processors in 39-01-02, who ensure that the job is released to construction and scheduled appropriately. The service planner will check off a box in WMS that says site ready, and then call the distribution processor to inform him that all prerequisites have been satisfied and that the job can be released to construction for scheduling.

If the customer has a question about the construction on the site, the service planner may need to meet on site with a senior construction inspector from 39-10-03 or 04 to resolve any problems or issues that the customer might have. The record established that this happens in only about 10-15 percent of the jobs. The service planner performs a vital role as customer advocate to build recurring relationships with developers and builders. The service planner tends to act as a mediator to settle disputes about the location or placement of equipment. The service planner is responsible for coordinating all details of the job from start to finish. The service planner acts as the primary customer liaison and ensures that the job gets built according to the customer's satisfaction.

The service planners are also responsible for coordinating and making sure that relocations are performed properly. The service planner handles billing for relocation jobs. Overhead relocations are almost always performed by BGE overhead construction crews.

A service planner will sometimes be called to place stakes in residential developments to mark where equipment might go for construction. When making such markings and taking various field measurements needed to relocate equipment, the service planners use a hammer, location stakes, measuring tape, a cyclometer, a telepole, and low-voltage rubber gloves.

The record testimony established that certain inaccuracies in the applicable job description (Er. Exh. 4, #334B) such as the fact that the service planner does not deal with commercial customers, and that design details are typically prepared by the assistant service planner, not the service planner, in 39-01-04. The vast majority of the large relocation work and all of the gas and electric extensions are prepared by the assistant service planner. The service planner makes sure that those permits and right-of-ways are obtained and noted in WMS, but they do not actually procure them. With regard to basic qualifications, they must have "knowledge of mathematics and experience in the application of engineering construction standards surveying." The record testimony established that they need to be familiar with basic surveying instruments to determine the heights of objects, the distances away from the tops of poles, and other basic information that they may need to convey on a construction print. The service planner does not use "electrical theory necessary to determine design requirements."

The service planners spend only about 5 percent of their time preparing drawings, and those drawings are for small relocation jobs that require little detail or complexity. Any notations they make concerning actual construction come from the overhead standards reference books that are used by the service planners in 39-01-03 and 39-01-05 to determine materials needed for the job, or from observations during site visits.

Four of the six service planners in 39-01-04 have backgrounds in construction and another service planner was a distribution designer. The service planners receive standard safety training and also have taken a course on how to utilize low-voltage gloves in connection with their work. The service planners are also required to take a course in sediment and erosion control that is taken by all construction crews and service planners in order to identify environmental concerns. Each service planner has a storm assignment as either a senior patroller or patroller.

With regard to training, the record established that the service planners and assistant service planners receive the same type of training at Dorsey. They have received pole loading training that helps them apply overhead standards in a computerized format to identify wire, wire loads and pole configurations. A training course in electrical distribution engineering that involved review of standard changes was given by a member of the standards organization unit to the service planners and assistant service planners in a unit meeting in November of 1998. Bruce Roberts is a senior distribution technician work leader in 39-01-04. He is the subject matter expert for interpreting EDE handbook standards. From time to time, he discusses training principles with the assistant service planners to clarify standards and information.

The service planners were receiving CADD training at the time of the hearing. Five of the six service planners were in a CADD class that was being offered at the Dorsey facility two days a week, two hours per day, for six weeks. Gas standards personnel come to Dorsey about every other month for a couple of hours to conduct a training session on gas construction for the service planners and assistant service planners. In 1995, there was training on the skills needed to utilize reference materials and skills modules, to identify equipment and understand symbology, and to use different drawing instruments necessary to perform the work of a service planner or assistant service planner. The scope of the training was basically a survey course on how to utilize software to draw lines and use symbols.

Petitioner's Exhibits 103-105 describe the course modules that were given in 1995. Each box represents a module of a skill necessary for the job. The service planner or assistant service planner would review the modules if they were not familiar with certain skills. All of these skills would have been performed by either the designers or technicians before the service planner classification was created in 1995. If a new person was hired into the service planner or assistant service planner classification since 1995, they would have to develop these skills over time. The courses in the modules concern areas such as transformer load management or voltage drop calculations, which information is included in the DMIS database today.

A portion of Petitioner's Exhibit Number 61 shows the educational assistance courses taken by service planners or assistant service planners in 39-01-04, such as survey courses on distribution systems or system protection and control offered by the Power Engineering Society in Baltimore. The record testimony established that none of these courses were required in order to obtain the service planner or assistant service planner job.

There are six assistant service planners in the complement for 39-01-04. One assistant service planner, Mr. Jackson, has been rotating to 39-01-02 since April 1999. As noted above, there are two assistant service planners in 39-01-02. Since 1995, one assistant service planner from 39-01-04 has rotated into the assistant service planner job in 39-01-02 for about a year to learn the functions of that unit. The other assistant service planner is permanently assigned to 39-01-02 and does not rotate through 39-01-04. When the assistant service planner rotates from 39-01-04 into 39-01-02, he is not performing the job duties of an assistant service planner in 39-01-04, as discussed above.

To help alleviate the workload in 39-01-04, Thomas Liberto, an assistant distribution designer in 39-01-07, was indefinitely rotated into 39-01-04 to perform the duties of an assistant service planner. At the time of the hearing, Mr. Liberto was performing assistant service planner duties in 39-01-04 and had not worked in 39-01-07 since August 1999.¹⁵ At the time of the hearing, the latest job staffing announcements that had been made indicated that Mr. Liberto would not return to 39-01-07 and will be permanently placed in 39-01-04, but that change had not occurred officially. Mr. Liberto's work is reviewed by the senior service planner in 39-01-04. That unit approves his time sheets. Five of the six assistant service planners have drafting boards in their cubicles. Mr. Liberto's cubicle does not have a drafting board.

The assistant service planners are in pay grade 29 in work group 3. They are directly supervised by the senior distribution technician work leader.¹⁶ The assistant service planners, like the service planners, typically work from 7 a.m. to 3:30 p.m., with flex time so that they are available when construction crews are working. The assistant service planners spend about 90 percent of their time in the office.

The assistant service planner puts together all the materials that are necessary for the planner to place in the job jacket so that the job can be built properly by construction. The service planner gives the assistant service planner a copy of the general site plan and the load information that was received from the residential developer/builder. They research the primary prints and secondary prints and BGE maps and records to determine if there are BGE facilities in the vicinity of the new development. Then they examine the load information such as number of air conditioning units in each house, the type of hot water heater, and the type of lighting. They input this data into a computer program called "EDE Calc." This software program lists the appliances and generates a demand for the load.

The assistant service planners look at the site plan to choose a route through the community to install the gas and electric facilities. They select the path for cable alignment. They utilize the EDE Handbook to select proper connections to be made to the BGE system and to determine from the appropriate tables what type of cables and pipe and what size transformer needs to be installed in light of the load. They enter this data into EDE Calc to determine whether the route they selected fits within the specific tolerances as determined by the computer software. If not, they move equipment around the site plan to determine a different route.

¹⁵ Another assistant distribution designer from 39-01-07 had been matrixed to 39-01-04 before Mr. Liberto. He left in August 1999.

¹⁶ The senior distribution technician work leader runs reports for the supervisor of the unit concerning the amount of work being done and the amount of services being installed. He also oversees the design standards that are used to make sure they are interpreted properly. The senior distribution technician does not check every job. All of the design work that is done by the assistant service planner is included in the job jacket and is checked by the senior service planner work leader in work group 2.

Once they have selected the route, they use WMS and material lists that they have generated to select the actual equipment that will be installed on the job. The WMS system will print out a copy of all the materials that will be used and what the cost of the job will be. That printout will be given back to the service planner to include in the job jacket.

The assistant service planner typically creates an electronic image of the site plan in the CADD system to show company facilities, property lines, curb lines, streets, and sewer and water connections.¹⁷ They use the CADD system to select symbols and then draw over the top of the site plan to create a construction print so that construction knows where to install cable and set transformers. They use special scales and rulers to measure distances on a print. They also produce a one-line diagram which shows the connectivity of the systems. They attach any notes that are necessary and reference the overhead or underground construction standards used. Before the service planner releases a job to construction, the senior service planner reviews the job packet and all associated details to make sure that everything has been included properly. In addition, the developer must approve the BGE facilities that are going to be placed on his property. The assistant service planner will give a copy of the final construction print to the Maps and Records Section for inclusion in BGE's records system.

Both the service planner and assistant service planner work with the Outdoor Lighting Group to ensure that the proper street light cables are included in the development. If the Outdoor Lighting Group learns from the developer or from the county where the lamps are going to go and what size wire should be installed before 39-01-04 creates the job, then Outdoor Lighting will mark up the print. The service planner or the assistant planner calls the lighting planner in 39-02-02 to see if the outdoor lighting information is available and whether it needs to be included in the job or not.

The assistant service planners visit the distribution processors in 39-01-02 to make changes that need to be made to documents in the job package and to check up on jobs to make sure they have been released. Three or four times a week, an assistant service planner may field a call or visit from a senior construction inspector because the service planner is not around.

There are no distribution processors in 39-01-04 to make copies of prints, maps or material lists. The assistant service planner (or service planner) will make copies of maps and records that need to be included in the job packet, as well as the actual prints and one-line diagrams.

¹⁷ Petitioner's Exhibit Number 106 is a CADD drawing that was computer generated by an assistant service planner in 39-01-04 and is representative of a drawing to supply service to an apartment/condo complex which makes up about 15 percent of the total workload of 39-01-04. It contains a one-line diagram at the top left-hand corner. The other types of prints produced by the assistant service planners would be prints showing single-family homes, which constitute about 60 percent of unit work, and townhouses, which constitute about 25 to 30 percent of unit work. Any road markings, property lines, sewer connections, storm drain connections, water line connections, come from the customer's site plan and are electronically added to the print by computer selection by the assistant service planner. All the notations come from the Construction Reference Standards, so that construction crews know how to build the facilities on the design. The assistant service planner either takes the print over to a copy machine to generate copies or has the laser printer print out copies.

The record testimony established that the applicable job description (Er. Exh. 4, #335B) is generally accurate. Basic qualifications for the assistant service planner job require four years of work experience in distribution construction design and drafting. With regard to skills, the assistant service planners need to be familiar with reference books for standards and be able to identify both electrical equipment and gas equipment. They need to have a thorough understanding of the symbols used on the drawings so that they can accurately represent what needs to be built. They need to possess good drawing skills and be able to utilize the CADD system to draw symbols on the print. They need to be familiar with pick lists in WMS so that they can select the appropriate materials for the job. They need to understand how to obtain various system load information from DMIS. They need to know how to access various computer systems. For example, they will occasionally access the gas imaging maps and records system that sets forth gas equipment on-line to determine if gas is available in a certain area and to determine how to make the hook-up to the gas system. They need to know how to use EDE Calc to enter data. They need to be very well versed in BGE maps and records systems, particularly primary and secondary maps and one-line diagrams.

They are expected to enhance their skills in order to maintain their proficiency rating by taking additional internal training on subjects relevant to their work. For example, Mr. Anderson, an assistant service planner in 39-01-04, testified that he was directed to take an overhead standards training course and needed to pass the final exam that required a demonstrated ability to solve engineering problems using trigonometry. See Pet. Exh. 127.

Two of the assistant service planners have a construction background that helps them to identify equipment and usage. Two of the assistant service planners have backgrounds in drafting that facilitates their ability to produce construction prints and aids in their understanding of BGE maps, records and symbols. As noted above, the assistant service planners have received the same type of training that the service planners at Dorsey have received. The assistant service planners have storm duties and function as patrollers.

I conclude that the assistant service planners in 39-01-04 and 05 are technical employees and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. The applicable job description requires that the assistant service planner have over four years of experience in distribution construction design and drafting. They perform work of a technical nature, requiring the use of independent judgment and technical expertise acquired through specialized training. Like the service planners in 39-01-03 and 05 they create one-line diagrams or schematic representations of the new infrastructure that will be placed on the distribution system to supply the new load and the manner in which it will be connected to the existing system. They examine the site plan to choose a route through the community to install the gas, electric, and cable facilities. They utilize the EDE Handbook to select proper connections to determine what type of cables and pipe and what size transformer needs to be installed in light of the residential load. They enter this data into EDE Calc to determine whether the route they have selected falls within the specific tolerances as determined by the computer software. Once they have selected a proper route, they use WMS and material lists to select the actual equipment that will be installed on the job. Like other service planners and designers they create an electronic image of the site plan in the CADD system to show company facilities, property lines, curb lines, streets, and sewer and water connections. They use the CADD system to select symbols and draw over the top of the site plan to create a detailed construction print. They use special scales and rulers to measure distances on a print. This print contains all of the information the construction crews need to build the job such as how to route the job, where to set transformers, what kind of equipment and size of cable to use, any critical dimensions, and any

recommendations for how the work should be done. Thus, the assistant service planners make judgments about the information that must be included with the construction prints, and make a series of notations on the prints to convey that information. They identify the applicable gas and electric construction standards that provide construction crews with the installation specifications. They use their own initiative and judgment to apply the standards that are given to them in reference books to the construction design that they wish to complete. The fact that an engineer or more senior employee signs off on and verifies the information on the prints that will be used to construct the gas and electric service systems does not diminish the level of independent judgment or significant responsibility exercised by the assistant service planners. The design work done by the assistant service planners is similar to that done by the service planners in 39-01-03 and 05 and the design personnel in 39-01-07, including the project design coordinators, who spend less time drawing and drafting than the assistant service planners. As noted, both parties agree that the project design coordinators are technical employees.

The assistant service planners have had extensive technical training and are expected to continue their training. They have been trained in the use of CADD, either through semester-long courses at the Catonsville Community College, or in special courses taught at BGE. Like other design and engineering personnel, BGE has provided them with formal training through regularly scheduled "Tech Sessions" conducted by representatives from Gas Standards, to keep them current on gas design, distribution, metering and related matters.

In these circumstances, I conclude that the assistant service planners in 39-01-04 perform work of a technical nature requiring the use of specialized skills and independent judgment, and I shall include them in the BGE-wide technical unit found appropriate herein. Fisher Controls, 192 NLRB 514; PECO Energy Co., 322 NLRB at 1084 (draftsmen who create schematics to modify systems, using CADD, drafting tables and desks, are technicals); Western Gear Corp., 160 NLRB at 274, 279 (draftsmen creating detailed drawings, utilizing mathematics and variety of technical symbols and exercising independent judgment are technicals). Moreover, the fact that the assistant service planners are not required to have any significant formal post-high school training does not detract from the technical nature of their work. Allis-Chalmers Manufacturing Co., 128 NLRB at 89 (designers and drafters are technical employees, even absent any formal educational requirements); Waldorf Instrument Co., 122 NLRB at 806 (designers and drafters required to have a high school diploma and 500-1000 hours of training or equivalent experience are technical employees).

I find it unnecessary to determine whether the service planners in 39-01-04 are technical employees. The service planners function primarily as project managers, work that clearly requires the use of independent judgment, including making final decisions about whether a site is ready for construction. This work is virtually identical to that of the senior distribution technicians in 39-01-07, whom the parties have stipulated to be technical employees. In addition, although the service planners in 39-01-04 are not as engaged in design tasks as the service planners in other units, they spend some of their time drawing plans for relocations. They also perform the same survey functions as the other service planners, which requires the ability to identify and evaluate BGE equipment, and to use various surveying and measuring instruments. In addition, they receive the same on-the-job training as other design personnel. They work as a team with assistant service planners to perform the detailed planning and design work done by the other service planners in the Residential/I&C Units. In these circumstances, I conclude that the service planners in 39-01-04 perform work of a technical nature and share a community of interest with other technical employees such as assistant service planners, service planners, designers, drafters, and project design coordinators that I have included in the BGE-wide

technical unit found appropriate herein. Brown & Root-Northrop, supra, 174 NLRB at 1006. The service planners utilize technical skills that are distinct from the functions and skills of production and maintenance employees. They work under different working conditions from production and maintenance employees and as part of team with assistant service planners found to be technical employees herein. They have specialized training similar to that possessed by other technical employees throughout BGE. They have separate immediate supervision from production and maintenance employees and do not interchange with them. Rather, they share a close community of interest with other service planners and with the assistant service planners and with concededly technical employees like the project design coordinators and senior distribution technicians in 39-01-07. Accordingly, based on the foregoing, I shall include the assistant service planners and service planners in 39-01-04 in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006.

Project Engineering & Design Unit, 39-01-07 – Supervisor, Christopher Lotz

The Project Engineering and Design Unit, 39-01-07, became part of Department 39 in April of 1999. Prior to that, it had been in Department 37, the Distribution Engineering Department. All the employees in 39-01-07 work at the Dorsey Office Building. The Project Engineering and Design Unit is divided into seven work groups: the manhole and duct bank group, which prepares for underground line constructions by looking at duct systems; the senior distribution designers, who develop cost estimates for large projects; the project design group, which performs work related to electric system expansion or improvement of reliability on the electric system; the relocation design group, which handles public relocations for various governmental agencies; and the foreign attachments and design work group, which deals with third parties seeking to connect to the BGE overhead electric system.

The record established that the organizational chart for 39-01-07 contains several inaccuracies. The two senior engineer work leader positions no longer exist. There is only one engineer position. The distribution technician position was eliminated from this unit in January 2000. The principal distribution processor work leader position in work group 4 no longer exists. As discussed above, the distribution processors, Debbie DeMarco and Emory Hennigan, report organizationally to 39-01-02 not 39-01-07, although they continue to perform work for 39-01-07 and still sit with employees from 39-01-07 at the Dorsey location.¹⁸ There are no assistant distribution designers in work group 5. After the reorganization announcements in January 2000, that job was eliminated from 39-01-07. Former assistant distribution designer, Mr. Liberto, was

¹⁸ The distribution processors in project design, Ms. DeMarco and Ms. Hennigan, continue to perform functions that are similar to the work performed by the distribution processors in New Business. The distribution processors work hours that are similar to those work by the distribution designers, assistant distribution designers and project design coordinators. Usually, they work from about 6:30 or 7 a.m. until 3 or 3 30 p.m.. They spend over 95 percent of their time in the Dorsey Office Building. The distribution processor applies for permits, assembles and routes job packages for right-of-way and engineering checks, completes front-page paperwork for jobs, and after final approvals have been obtained, releases the job package to construction. Either the senior engineer work leader, engineer or senior distribution technician in the System Planning Unit does the engineering check. The distribution processors also provide processing support to foreign attachments work group 7 much like that provided for the project design group. Ms. DeMarco, the distribution processor who works on the relocation projects, submits paperwork such as the right-of-way information to agencies. The distribution processors collect information that is returned from the agencies and they put together the job packets.

matrixed to 39-01-04 as an assistant service planner.¹⁹ There are 5 assistant distribution designer positions remaining in 39-01-07, two in work group 6 and three in work group 7.

The following classifications are at issue in this unit. The Petitioner seeks to include the distribution designer, assistant distribution designer, and project design coordinators, senior distribution technicians and field recorder in the ETDD technical unit petitioned-for in 5-RC-14908. Alternatively, the Petitioner would include the field recorder in the BGE-wide production and maintenance unit sought in 5-RC-14909, but contends that the other four classifications at issue should not be included in that unit because they do not share a community of interest with production and maintenance employees. BGE would include these classifications in the BGE-wide production and maintenance unit. Although the Employer concedes that the project design coordinator and senior distribution technician are technical employees as defined by the Act, BGE contends that they share a community of interest with the production and maintenance employees.

As noted, there are different functions for each of the seven work groups in the Project Engineering and Design Unit. Work group 1, the manhole and duct bank group, prepares for underground lines construction by examining the Baltimore City duct system. The splicing crew leader and field recorder are in work group 1 and are supervised by the unit supervisor. The engineer and the senior distribution technicians in work group 2 provide support to the project design and relocation design groups by developing cost estimates and coordinating activities associated with jobs. The project design group in work group 5 performs work related to electric system expansion. Most of this work originates from the System Planning Unit in 37-02-04. The relocation design work group 6 handles public relocations that predominantly concern road improvements by various agencies. Various agencies that plan to do some road work submit advanced requests to the relocation group. The requests contain a preliminary print or plan that are routed to the senior distribution designer work group leader, who assigns the request to the distribution designers, project design coordinator or assistant distribution designer based on the territories that they cover for correspondence purposes. After receiving an agency request, either the project design coordinator, the distribution designer, or the assistant distribution designer, will perform various design functions (described below), depending upon the geographic location of the relocation. As the work group receives updated plans from the agency, the senior distribution designer work leader will put the plans into the design schedule and assign them for design based on the classification that are available to perform the work. Work group 7 is the foreign attachments and design work group. This work group deals with third party utilities, alternative access providers, or private companies that want to attach their facilities to the overhead electric system. This group performs billing and design functions.

Distribution Designers, 39-01-07
Assistant Distribution Designers, 39-01-07
Project Design Coordinator, 39-01-07

Before discussing individual classifications at issue herein, I note that there are several community of interest factors that are shared by the distribution designers, assistant distribution designers and project design coordinators in 39-01-07. The majority of the distribution designers, assistant distribution designers and project design coordinators work either from 6:30 a.m. to 3:00

¹⁹ Mr. Liberto has not performed the functions of an assistant distribution designer since the end of July of 1999. As noted above, he has been working as an assistant service planner in the Residential Development Unit of 39-01-04 since that time.

p.m. or 7:00 a.m. to 3:30 p.m., with flex time. The construction crews work the same hours. The distribution designers, assistant distribution designers and project design coordinators all perform design functions, although their design functions may vary depending upon what work group they belong to. The distribution designers are in pay grade 30, the assistant distribution designers are in pay grade 29 and the project design coordinators are in pay grade 31.

There are four distribution designers, no assistant distribution designers, and two project design coordinators in the project design work group 5; three distribution designers, three assistant distribution designers, and one project design coordinator in the relocation design work group 6, and one distribution designer, two assistant distribution designers and no project design coordinators in the foreign attachment work group 7. Each work group has its own senior distribution designer work leader, who assigns work and provides direct supervision to the work group. The parties have stipulated that the senior distribution designers are statutory supervisors.

The distribution designers, assistant distribution designers and project design coordinators spend a lot of time out in the field at the beginning of a design and they may interact with construction crews to gain insight into the design. Sometimes they ride out to the field with an engineer or senior distribution technician. When they are in the field, they take field notes that will help them with their drawings. For example, they may measure the angle at which certain poles stand, if they are not in a straight line, and make the appropriate notations. After visiting the field, these classifications spend a fair amount of time in the office making the design with occasional visits back to the field after construction. When in the field, the distribution designers spend about a quarter of their time using the extension poles to measure line heights. On average, the distribution designers and assistant distribution designers spend about 40 percent of their time in the field and 60 percent of their time in their office, which would include phone conversations with construction representatives. The project design coordinators spend a little less time in the field.

The distribution designers, system distribution designers, and project design coordinators all have drawing tables. The distribution designers, assistant distribution designers and project design coordinators spend about 20 percent of their time with correspondence. For the distribution designer and the assistant designers, the remaining 80 percent of their time is spent performing the actual design work. For the project design coordinator, the remaining 80 percent of their time is split between coordination of outside consultant designs and time spent working on their own designs. The record testimony established that about 40 to 50 percent of the project design coordinator's time is spent coordinating with design consultants. The remaining 30 to 40 percent of their time is spent performing all aspects of their own design work, such as field visits, checking maps, and performing actual drawing.

The distribution designers, assistant distribution designers, and project design coordinators all use the CADD system. The project design coordinators use CADD software about 15 percent of their time. The distribution designers and assistant distribution designers use CADD about 35 percent of their time. The distribution designers, assistant distribution designers and project design coordinators work with engineers, senior engineers and/or senior distribution technicians in the System Planning Unit in 37-02-04 about five percent of their time. The record established that on one occasion since 1995, the distribution designers, assistant distribution designers and project design coordinators have provided design assistance to New Business for residential relocation projects when there is an overload of Y-14 jobs. This work rarely arises, but does require dealing with customers.

Both the assistant distribution designers and the distribution designers use many of the same resources. They use ADC map books, grid books, distribution work practices, overhead and underground construction standards, primary and secondary maps, and state highway traffic control manuals. They also use WMS, DMIS (to obtain pole records), pole loading programs as-built drawing files, feeder books, construction design handbooks, blanket permit manuals, environmental permit manuals, and service and metering manuals. Assistant service planners and service planners also use the service and metering manuals. The distribution processors, distribution designers, project design coordinators, and senior distribution technicians use the blanket permit manuals. The assistant distribution designers are not required to utilize EDE Calc or the EDE Handbook because they receive one-line diagrams that have already been put together by the System Planning Unit.

All of the assistant distribution designers and distribution designers have hard hats, safety vests, and low voltage gloves. They are required to wear sturdy shoes when they are out in the field. They utilize extension poles to measure heights and a laser to measure distances. On occasion, they may have to clear underbrush using brush hooks. During storms, the assistant distribution designers function as patrollers, and distribution designers and project coordinators function as either patrollers or senior patrollers.

I now will discuss each of the individual classifications at issue starting with the distribution designers, and then the assistant distribution designers and finally the project design coordinators. Then I will set forth my legal conclusions with respect to all of these designers.

Initially, I will discuss the **distribution designers who perform relocation design work**. These distribution designers examine agency prints, pull the appropriate primary and secondary maps, and determine where BGE overhead or underground facilities are located in the area of the proposed construction. The plan that the distribution designer uses to develop the design may be different from the preliminary plan. The distribution designer checks to see if there are any differences from previous prints received from the agency by interfacing directly with people at the agency. The distribution designer may attend some status meetings where coordination efforts are discussed among multiple utilities and the agency contractors. The distribution designer will make a rough estimate of the costs to relocate BGE electric facilities as a result of the construction and provide the estimate to the agency. If there are gas facilities that need to be relocated, they will forward the agency request to the Gas Planning and Engineering Department. The Project Engineering & Design Unit 39-01-07 does not perform any gas estimating or gas design work.

To start the design, the designer uses the hard print or an electronic or CADD file received from the agency to make the base plan. The distribution designers scan the hard copy print into the computer and then use point and click methodology to make changes. If an electronic file is used, no scanning is necessary. The distribution designers simply delete items from the electronic file that are not needed. Once the designers create the base plan, they focus on the BGE facilities that have to be relocated. They visit the job site and use primary and secondary maps and as-built drawings that show where existing facilities are located. The distribution designers then note the location and proposed relocation of BGE facilities on the job print. When designing, they use French curves, mechanical pencils and scales at their cubicles.

The distribution designers forward the proposed relocation plan to the right-of-way group in Department 37. The right-of-way group checks for extant rights-of-way on the BGE facilities and then returns the plan with the right-of-way information to the designer for a determination of

who should pay for the relocation. The distribution designer then forwards the completed design to the senior distribution designer for a design check before final processing in WMS.²⁰ After the design check, the senior distribution designer will hand-carry the print to the distribution processor in 39-01-02 to be packaged and ultimately released to construction. The designer will stay involved in the project to answer questions from construction crews about the design either during phone conversations or job site visits.

The distribution designers in project design work group 5 function as follows.

Typically, the distribution designer receives a design package that includes the one-line diagram, primary maps, secondary maps, and prints similar to those received by the distribution designer in the relocation group. The engineer or senior distribution technician in the System Planning Unit 37-02-04 usually prepares the one-line diagram. During the design phase, the distribution designers usually interface with the senior distribution technician in the Systems Planning Unit 37-02-04 to see if other work needs to be done on the electric system. They may also interface with the senior engineer work leader or engineer from Systems Planning. The distribution designer will often sit down with the senior distribution technician or the engineer from the System Planning Unit, which is the ultimate customer.

The major difference between the design that is done by a “project designer” in work group 5 and the design that is done by a “relocation designer” in work group 6 is that the project designer is designing for new installations. The process that the distribution designer and project design group go through is very similar to that described above for relocation designs, except the distribution designers do not usually have a base map or electronic file from an outside agency. In most cases, the distribution designers in the project design group are starting from a blank piece of paper and approximating where the roads, guard rails, etc. are located. The base plan is not as detailed as the base plans that the relocation designer uses.²¹

Because the jobs in the project design group are often larger than the jobs that are in the relocation design group, the distribution designers in the project design group will often meet with construction prior to design or during the design phase. The distribution designers will usually interface by phone or job site visit with either a supervisor of distribution construction, overhead crew leader, or senior construction inspector from 39-10. If they are designing a job that involves the city duct system, they could be interfacing with splicing crew leaders or senior cable installers from underground lines in 36-06-01.

The distribution designer in foreign attachment work group 7 is a jack-of-all-trades. Based on workload demand, he performs either power supply work, third-party attachment work, or make ready work for foreign attachments that the assistant distribution designers regularly

²⁰ Almost all the information that goes into the WMS is ultimately used by construction. For example, construction forces need to know about material availability and estimated scheduling and labor hour output.

²¹ Petitioner Exhibit 111 is typical of a drawing created by a distribution designer, assistant distribution designer or project design coordinator in the relocation work group. Petitioner Exhibit 110 represents a typical CADD drawing that would be prepared by the designers or project design coordinator in the project design work group. The designer on Petitioner Exhibit 110 is Mr. Liberto and the project manager listed on the drawing is Mr. Huber, the senior distribution technician in 39-01-07. Petitioner Exhibit 112 is representative of a drawing that typically would be done by a distribution designer or assistant distribution designer in the foreign attachment work group.

perform in this work group, as discussed below. The distribution designer is familiar with all three aspects of the work and basically performs the same work that the assistant distribution designers are performing.

All of the distribution designers obtain permissions from customers concerning use of rights-of-way. The distribution designers do not typically bill customers. The distribution designers in the relocation design group and the foreign attachment group are somewhat involved in the estimating of anticipated revenues, but the project design group designers are not.

The record testimony established that there are certain inaccuracies with respect to the applicable job description for the distribution designers (Er. Exh. 4, #158A). There is no post-high school degree requirement. They apply knowledge of engineering practices, electricity and mathematics from information that is available in the manuals. They do not do work with gas designs. They do not ascertain load requirements. The distribution designers, like the project design coordinators, have some survey skills, but they are not certified surveyors.

The work histories of the distribution designers show that many of them have construction or drafting backgrounds. Their employee training histories reflect training in Amtrak safety, driving company vehicles, environmental permits, work permit entry procedures for access to substations and use of low voltage rubber gloves. Six of the eight distribution designers in 39-01-07 (Mr. Battista, Mr. Carter, Mr. Ernst, Ms. Grossman, Mr. Kobus and Mr. Solley), have had training with respect to the CADD system. These six distribution designers took a training class at Catonsville Community College. The other two distribution designers learned this skill on the job. In addition, one distribution designer, Mr. Ernst, took an electric distribution systems course and a course called construction blueprint drawing and planning, design and operations, through the employee educational assistance program. Two distribution designers, Ms. Grossman and Mr. Kobus, took surveying instrument courses. All the designers have received training in surveying. The record testimony established that none of these courses are required for the distribution designer position in 39-01-07.

As noted, there are no assistant distribution designers in work group 5, but this classification exists in the other work groups in this unit. The **assistant distribution designers in the relocation work group** perform the same or similar work as the distribution designer in that work group. They perform the correspondence and design functions outlined above, but for very large relocation projects that involve several different phases or multiple prints, the assistant distribution designer would not be the lead designer.

Each of the three **assistant distribution designers in foreign attachments work group 7** performs a different function. One of the assistant distribution designers handles cable television power supplies and coordinates the installation of electric service and meters at power supply locations. They utilize overhead construction standards that relate to service and meter work. The assistant distribution designer meets with a representative from the cable television companies out in the field when setting up the first power supply location. There are certain standards and codes that have to be met when power supplies are installed on the system. The assistant distribution designer examines the facilities that exist at a given location to determine how a power supply can be added to the existing system. The assistant distribution designer then goes back to the office and develops a mini-job or small print that is similar to Petitioner's Exhibit 94. The assistant distribution designer gives the mini-jobs to the senior distribution designer for design check.

Another assistant distribution designer in work group 7 deals with third-party attachments such as Bell Atlantic equipment vaults that require power. The assistant distribution designer performs functions very much like those performed by a new business industrial and commercial service planner. They put together a one-line diagram for the supply of single-phase service to the Bell Atlantic vault. Unlike the new business service planners, however, the assistant distribution designer does not actually develop the information to put on the one-line diagram. They only draw the one-line diagram. The senior distribution technician from the System Planning Unit tells the assistant distribution designer what size electric equipment is required. The assistant distribution designer will also provide a cost estimate based on the type of vault that is installed. The assistant distribution designer fills out the B-1 contract that is used for billing purposes. The senior distribution designer performs the design check for the job.

The third assistant distribution designer in work group 7 performs make ready work for foreign attachments on utility poles. Most of the utility poles that BGE has facilities on are jointly owned with Bell Atlantic. There is an area in the lower portion of the pole called the communications space, where communication companies place attachments. Everything else at the top of the pole is reserved for the electric utility. The assistant distribution designer participates in multiple party examinations of facilities to determine what work is going to have to be done to meet code requirements and overhead construction standards. The assistant distribution designer comes back to the office and uses his field notes to develop a mini-job or larger print for make-ready work that involves raising and lowering existing facilities on the pole to create appropriate clearance and to meet code requirements and construction standards. The work that that assistant distribution designer performs is reviewed by the senior distribution designer for design check.

With regard to the applicable job description (Er. Exh. 4, #644B), the record testimony established that the assistant distribution designer is not involved with gas design work. They negotiate verbal permissions and routine agreements to obtain signed prints. They input labor and material data into WMS for output of labor estimates and material estimates. The mathematics, mechanical drawing, and basic electrical theory qualifications are routine high school requirements that any employee in the construction field, who uses corporate maps and records and construction standards, would need to understand. The assistant distribution designers must develop a thorough working knowledge of CADD. The assistant distribution designers do not use any complex systems related to design work. They use WMS and a pole loading program, which are pretty basic. There are many records, manuals and standards that they need to be familiar with.

Three of the assistant distribution designers have construction experience that helps them put together a plan that construction forces use for building. Two other assistant distribution designers have drafting experience with BGE and no construction background. The drafting background is useful for creating construction prints. These assistant distribution designers have had to familiarize themselves with overhead and underground construction standards and distribution work practices.

The assistant distribution designer is required to have driver refresher training, environmental permit training and training in the use of low voltage rubber gloves. One assistant distribution designer has taken a computer course in navigation techniques through WMS. Another is working toward an associate's degree in the electronics field, but that is not required for the position.

As noted, there are two project design coordinators in the project design work group and one project design coordinator in the relocation design group. The parties have stipulated that the project design coordinators are technical employees. The **project design coordinators in the relocation design group** perform some correspondence and design work, but their primary function is to coordinate the work that gets sent to outside consultant firms that perform design work for BGE. The outside design consultant performs functions similar to the functions performed by distribution designers and assistant distribution designers and project design coordinators on some jobs. The outside design consultants visit the job site, take notes, and put notations on a base plan. The project design coordinator assembles the information that is necessary to have the design consultant or the outside contractor start on the job such as any correspondence or information from the agencies and any timetables that the senior distribution designer has put together. The project design coordinator also answers any questions that the design consultant might have. The project design coordinator attends agency meetings along with the design consultant. The project design coordinator is BGE's design representative, even though the project design coordinator is not physically laying out the design.

The project design coordinator and ultimately the senior distribution designer do the initial review of the design consultant work. They take the first look at the design that the contractor puts together. They mark up prints and send them back to the contractor for changes. The senior distribution designer performs the final design check. The senior distribution designer also makes the decision on which jobs are bid out. The project design coordinator has input into which design consultants are going to be used by BGE. The project design coordinator monitors the schedule and costs of the consultants' work.

Besides coordinating the work of design consultants, the project design coordinators also create their own distribution design. The project design coordinators create drawings similar to those created by distribution designers and assistant distribution designers. The senior distribution designer reviews the designs of the project design coordinators. Project design coordinators use the same resources, tools and personal protective equipment as the designers and assistant distribution designers. The project design coordinators spend about 20 percent of their time in the field and about 80 percent in the office. The project design coordinators spend about 5 or 10 percent of their office time in telephone conversations with overhead and underground construction personnel or senior construction inspectors, who inspect underground contractor crews.

The two **project design coordinators in the project design work group** also coordinate consultant work much like the project design coordinator in the relocation design group, although they do not perform correspondence functions. One of them spends about 50 percent of his time on his own designs and 50 percent of the time on the consultant designs. The second project design coordinator in the project design group spends about 70 to 75 percent of his time with consultant design coordination, and the remaining 25 to 30 percent of his time creating his own designs.

The record testimony established that the applicable job description for project design coordinators (Er. Exh. 4, #621A) contains some inaccuracies and appears to be written for gas project design coordinators. The project design coordinators do not need experience in gas distribution systems, only electric distribution systems. They coordinate and develop both simple and complex designs, but they do not coordinate or develop specifications and engineering drawings. One of the major functions of a project design coordinator is to coordinate the activities of design contractors or consultants and to coordinate the activity of and provide

guidance to designers. There are no drafters in the unit. The project design coordinators will work with both engineers and senior distribution technicians, but they are not preparing reports. They will develop estimates. They do not make technical calculations, conduct investigations or monitor field tests or surveys. They acquire necessary permissions for rights of way, like the distribution designers and assistant distribution designers. They review project designs received from the design contractors. They enter information into WMS. They prepare layouts and sketches and finish drawings for permits and construction. They do not perform calculations that require limited engineering theory, however, they do need a thorough knowledge of electric distribution engineering and construction standards, practices and procedures, either from the manuals or from on-the-job experience. They need to be able to perform basic mathematical calculations that are based on a high school education in geometry and algebra, but not trigonometry or calculus. Unlike the service planners who utilize EDE Calc and the EDE handbook, neither the designers nor the project design coordinators use EDE Calc or the EDE handbook. The project design coordinators are not preparing technical reports. The senior distribution designer reviews their work.

The job histories of the three project design coordinators indicate that they have either previous construction experience or drafting experience. The employee training histories for the project design coordinators reflect training concerning Amtrak safety, driving company vehicles, environmental permits, work permit entry procedures for access to substations, and use of low voltage rubber gloves. All three of the project design coordinators took a CADD class at Catonsville Community College. This class consisted only of BGE employees and incorporated specific BGE symbology. Attendees were taught how to make their way around Microstation CAD and how to utilize drawing applications. There were some gas employees and some service planners, who also took the class.

The record established that project design coordinators have taken certain courses pursuant to the BGE employee educational assistance program, although none of these courses are required in order to perform their job. For example, some of the project design coordinators have taken a project inquiry course that has provided them with training in the use of the Business Information System (BIS) and the ability to get information relating to projects. A project management techniques class was taught by an outside instructor for the senior distribution technicians, engineers and project design coordinators, who work as project managers.

I conclude that the distribution designers, assistant distribution designers, and project design coordinators in 39-01-07 are technical employees who should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. The distribution designers must have over eight years of experience in distribution construction, design and drawing, or the equivalent combination of education, training and experience. See Er. Exh. 4, #158A. These basic qualifications are similar to those of the senior distribution technicians, whom the parties have stipulated to be technical employees. Cf. Er. Exh. 4, #729A. The assistant distribution designers must have over four years of experience, or an equivalent combination of training and experience. See Er. Exh. 4, #644A. The project design coordinator requires over eight years of related experience, at least four of which must involve drafting and designing electric distribution systems, or an equivalent combination of experience and training. See Er. Exh. 4, #621A. All of these design personnel must have a working knowledge of high school mathematics, including algebra and geometry. Moreover, the record established that BGE has required designers to take an overhead standards course and to pass an examination demonstrating an ability to use trigonometry to solve engineering problems. In addition, the record discloses that these design personnel have taken a wide range of training courses through the employee educational

assistance program, including semester-long CADD courses, the Institute of Electrical and Electronics Engineers' electric distribution systems course, courses in construction blueprints, and various surveying courses. Although this training is not required, the record reflects that BGE expects these designers to regularly upgrade their skills and training in order to maintain their proficiency ratings.

As with the service planners in 39-01-03 and 05, perhaps the best evidence that the distribution designers, assistant distribution designers and project design coordinators are technical employees are the examples of their drawings that are set forth in the record. See e.g., Pet. Exh. 110, which the record testimony established is typical of the drawings created by the distribution designer, assistant distribution designer and project design coordinator; see also Pet. Exh. 111 which the record testimony established is typical of the distribution designers' drawings and Pet. Exh. 112, which the record testimony established is typical of a drawing for a power supply installation for cable television that is created by the distribution designers and assistant distribution designers in the foreign attachment group. The record established that the preparation of these drawings requires the use of numerous maps, construction standards, manuals, design handbooks, and computer data bases. The record further established that the designers create these drawings by hand or using CADD and that they must be able to utilize surveying and measuring equipment.

In addition, I note that the parties have stipulated that the project design coordinators in this same unit are technical employees. The only distinction of any substance between the responsibilities of the project design coordinators and those of the distribution designer and assistant distribution designer is the fact that the project design coordinators are responsible for coordinating the work of contractor employees. There is no evidence that the design work of the project design coordinators differs in any significant way from that of the designers, or that they utilize different skills or demonstrate more technical expertise. Rather, their qualifications and on-the-job training are virtually identical to those of the distribution designers. In these circumstances, I conclude that the distribution designers and assistant distribution designers, like the project design coordinators are technical employees who shall be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Fisher Controls, 192 NLRB 514; PECO Energy Co., 322 NLRB at 1084 (draftsmen who create schematics to modify systems, using CADD, drafting tables and desks, are technicals); Western Gear Corp., 160 NLRB at 274, 279 (draftsmen creating detailed drawings, utilizing mathematics and variety of technical symbols and exercising independent judgment are technicals); Allis-Chalmers Manufacturing Co., 128 NLRB at 89; Waldorf Instrument Co., 122 NLRB at 806.

Even if it should be determined that that distribution designers and assistant distribution designers in 39-01-07 are not technical employees, I conclude that they perform design work of a technical nature and share a community of interest with other technical employees, including the project design coordinators stipulated to be technical employees in the same unit, and designers, drafters, service planners, and assistant service planners in other units that I have included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006. I note that the distribution designers and assistant distribution designers in 39-01-07 perform technical functions and utilize technical skills that are distinct from the functions and skills of production and maintenance employees. They work under completely different working conditions than production and maintenance employees, using CADD, much like the other design personnel throughout BGE whom I have found to be technical employees. They have specialized training and share similar skills and qualifications possessed by other technical employees throughout BGE. They have separate immediate supervision from production and maintenance

employees and work in an office environment with other design personnel found to be technical employees. They do not interchange with production and maintenance employees. In these circumstances, I shall include the distribution designers, assistant distribution designers, and project design coordinators in 39-01-07 in the BGE-wide technical unit with other technical classifications throughout BGE that perform similar design work under similar working conditions for the same pay and benefits.

Field Recorder, 39-01-07 (908/909 issue)

As noted above, the manhole duct group in work group 1 prepares underground jobs that utilize the Baltimore City duct system and manhole and duct bank installations. Work group 1 consists of the splicing crew leader (included production and maintenance classification) and a field recorder. Work group 1 also utilizes some outside contractors and a welder, Greg Hopper, who is on loan from mobile maintenance unit 25-07-01.²²

The field recorder in 39-01-07 is Mr. Stolte. The work history for Mr. Stolte shows that he previously worked as an underground trainee, cable splicer, and cable installer. The field recorder spends about 90 percent of his time out in the field. The field recorder works with the splicing crew leader in underground lines in the pre-design phase to determine the suitability of installation in the Baltimore City duct system. The field recorder uses manhole diagrams that are developed by the Maps and Records Unit in Department 37. These manhole diagrams show where BGE facilities and cable are located in the manholes and ducts through the Baltimore City duct system and in other manhole systems throughout the service territory. The field recorder enters manholes in the field to determine the suitability of installation for underground lines crews. In many cases, the field recorder will handrod a duct, i.e., use a rod to push through a duct to determine if there is a path from one manhole to another manhole. The handrods are used to determine obstructions in the Baltimore City duct system that require repair prior to design. While handrodding, the field recorder also pulls a cord or string back that allows underground lines to pull another thicker rope that is used to pull in the electric facility.

In order to safely gain access to a manhole there must be a two-man crew to perform the work. The field recorder and the splicing crew leader (Mr. Kettle) often work as a team, although at times they may each work with a contractor. Both the field recorder and the splicing crew leader have also worked as a team with the welder, but the welder predominantly keeps track of the contractor crews that are performing functions similar to those performed by the field recorder and splicing crew leader.

The field recorder uses a pry bar to open the manhole lids. He also uses air meters and ventilation equipment to test the air and manholes and pumps to empty out the manholes. Underground crews also use pry bars, air meters, pumps and ventilation equipment. In order to access manholes, the field recorders are required to have confined space training, low-voltage training and CPR training. The field recorder utilizes the same safety and personal protective equipment that anybody gaining access to a manhole uses, such as hard hats, safety vests, sturdy shoes, low-voltage gloves, and safety glasses or goggles. They use "safety set-ups" outside the manhole and ladders to gain access to the manhole.

²²The welder has been loaned to this group a few times over the past three or four years for four to six month assignments. The most recent loan lasted about 8 to 10 months. Usually the welder leaves for outage-related reasons. When Mr. Hooper is working in 39-01-07, his time is charged to that unit and ultimately to the ETDD budget.

The field recorder tries to work a 6:30 a.m. to 3:00 p.m. schedule, however, access to manholes within Baltimore City is restricted to certain time frames and his schedule is changed to accommodate these restrictions. Therefore, the field recorder sometimes works from 12 midnight to 8 a.m., or from 3 p.m. to 11 p.m. The field recorder drives a hybrid-type truck that falls somewhere in between a pick-up truck and a full-fledged underground lines equipment truck. The field recorder does not need a commercial driver's license.

Basically, the field recorder and the splicing crew leader ensure that duct is available and usable by underground lines to actually pull cable. Both the field recorder and the splicing crew leader mark up manhole diagrams to accurately reflect what exists in the field. They then bring the marked-up diagram back to the distribution designer or project design coordinator in the Project Design Unit in 39-01-07, so that the design can be finalized and ultimately released to underground lines. The field recorder exchanges information with the distribution designers almost every day.

The record testimony established that the applicable job description for the field recorder (Er. Exh. 4, #535B) contains some inaccuracies. With regard to basic qualifications, the record testimony established that the position of field recorder does not require one year of post-high school education and over two years of related work experience, or the equivalent combination of formal education and training. The only sketching that the field recorder performs concerns the placing of circles on manhole diagrams to indicate ducts, or the addition of information about existing facilities that do not show up on the diagram.

There are a lot of functions that the field recorder and splicing crew leader share. The splicing crew leader is more knowledgeable than the field recorder based on previous experience, and he acts as the coordinator of the activities for both classifications. In essence, the splicing crew leader gives daily direction to the field recorder, even when they are not working together on a two-man crew. The field recorder and splicing crew leader do not prepare any kind of plans or have any training using CADD. The field recorder, and the included classifications of splicing crew leader, cable splicers, cable crew leaders, senior cable installers and splicer cable installers in 36-06 from underground lines, and any employee entering manholes, are required to have training concerning driving company vehicles, CPR, work permit entry procedures for access to substations, use of full body harnesses, manhole entry rescue training, and use of low voltage rubber gloves.

I conclude that the field recorder in 39-01-07 shares a community of interest with production and maintenance employees, particularly with the splicing crew leader in the same unit, and therefore should be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. I note that the parties have agreed that the splicing crew leader in 39-01-07 should be included BGE-wide production and maintenance unit stipulated to be appropriate in 5-RC-14909. The record testimony established that the field recorder shares a close community of interest with the splicing crew leader. The field recorder works alongside the splicing crew leader in the field and shares unit supervision with the splicing crew leader. The field recorder goes into manholes with the splicing crew leader to determine whether the duct is available and usable by underground lines crews. The field recorder uses the same tools used by undisputed production and maintenance employees in Underground Lines, including air meters, pumps, and ventilation equipment. The field recorder also uses ladders and low-voltage gloves. Moreover, the field recorder wears the same protective safety equipment as the underground crew leaders and underground mechanics, both undisputed production and maintenance classifications.

Like underground construction crews, the field recorder is trained in confined-space training and CPR training. The field recorder also receives full-body harness training just like undisputed production and maintenance positions such as cable splicers and cable crew leaders. The current field recorder has prior experience in the underground construction crews as a cable splicer and installer. The record established that this background provided valuable experience for the field recorder work. There is no evidence that the field recorder performs work of a technical nature that requires the use of independent judgment and technical expertise acquired through specialized courses or training. Moreover, the record established that no formal post-high school education is required for this position. In these circumstances, I conclude that the field recorder is not a technical employee. Rather, I find that the field recorder shares a community of interest with production and maintenance employees and I shall include the field recorder in 39-01-07 in the BGE-wide production and maintenance unit in 5-RC-14909.

Senior Distribution Technicians, 39-01-07

The two senior distribution technicians in work group 2 perform multiple tasks. The parties have stipulated that they are technical employees, but the employer contends that they belong in the BGE-wide production and maintenance unit, or in the alternative, in a BGE-wide technical unit. The Petitioner seeks to include them in the petitioned-for technical unit limited to the ETDD.

The senior distribution technicians predominantly work from 7:00 a.m. to 3:30 p.m., with flex time. This schedule makes them available should the distribution designers, project design coordinators, assistant distribution designers or construction crews need to consult with them. The senior distribution technicians sit next to the distribution designers, assistant distribution designers and project design coordinators and spend about 30 to 40 percent of their time interfacing with these classifications. The senior distribution technicians develop one-line diagrams that are prepared by the System Planning Unit for system expansion or reliability projects. Supervisor Lotz testified, however, that the senior distribution technicians do not and should not be preparing one-line diagrams. The senior distribution technicians are involved in estimating jobs by utilizing the Work Management System (WMS) so that the System Planning Unit can develop a budget. The senior distribution technicians spend about 15 percent of their time interfacing with the System Planning Unit. They prepare estimates and plans, but the presentation for management approval occurs in the System Planning Unit or Strategic Customer Engineering Unit.

Along with an engineer, the senior distribution technicians provide support to the project design and relocation design work groups, by developing cost estimates and acting as project managers for installation, expansion or modification of complex projects on distribution and subdistribution facilities. When the System Planning Unit develops a proposal to expand the system or improve reliability, it sends the one-line drawings to this work group to develop a cost estimate. The senior distribution technician pulls the associated prints, maps and records, makes a site visit (either alone or with a designer), and then uses this information and WMS to estimate the cost. The senior distribution technician also recommends design changes to the System Planning Unit, for more practical ways of accomplishing their objective.

When the senior distribution technician receives one-line diagrams to perform cost estimates, there might be a couple of different routes available. The senior distribution technician will present those alternatives to the customer and recommend alternatives to meet customer needs for quality of service, cost and schedule. The customer often accepts their

recommendations. Their recommendations are sent to engineers or senior engineer work leaders in the System Planning Unit or senior engineers in Strategic Customer Engineering. The cost estimates that the senior distribution technicians prepare are received in the form of an Excel spreadsheet. The senior distribution technician completes the spreadsheet using information obtained through WMS and the cost estimating process. The distribution designers, assistant distribution designers, project design coordinators and senior distribution technicians all utilize WMS to estimate jobs, although the senior distribution technician's cost estimate is more preliminary and less detailed than the cost estimates that the other three classifications put into the WMS system. The engineer often works with the senior distribution technicians to develop the same sort of cost estimate.

The senior distribution technicians assist both the project design group and relocation design group to identify issues associated with their work and to coordinate pre-design site meetings with the designers and construction forces. For relocation jobs, the senior distribution technicians attend some of the meetings with the agency. The senior distribution technicians typically look over a project design print, but the engineering check is performed by someone in the System Planning Unit or Strategic Customer Engineering. With respect to relocation group projects, where there is no change to the relocation, the senior distribution technician will perform the engineering check and sign off on the print.

As noted, the senior distribution technicians act as project managers on some projects. The engineer in the unit performs project manager functions on electric distribution system projects to insure efficient performance of the job. The project managers notify appropriate personnel about cut-in dates. They prepare status reports. The senior distribution technicians coordinate status meetings to discuss timetables during the design phase on very large projects that might involve multiple departments. There are currently less projects that the senior distribution technicians will act as project managers on than there have been in the past because BGE has made a concerted effort to place more responsibility for tracking costs directly on construction forces.

The senior distribution technicians deal with the project design coordinator concerning questions about design consultant work. In cases of special bids, the senior distribution technician will often interface by phone or by site visit with the senior construction inspector and representatives of the outside contractor, who are actually performing the work.

After the distribution design is completed, the senior distribution technicians may become involved in the permit process to expedite a schedule. They meet with construction forces after the job has been released to coordinate site meetings, develop minutes and ensure that schedules are being met. They arrange "pre-cut-in meetings" at the end of construction to make sure that all aspects of construction are complete and that it is safe to energize the project. When doing so, they may meet with the supervisor of distribution construction, overhead crew leaders, overhead mechanics, senior construction inspectors, supervisors of underground lines, splicing crew leaders, cable pulling crews, supervisors of substation construction crews and some classifications from substation construction crews. They are more likely to be meeting with construction forces at a service center than at a job site.

The senior distribution technicians spend about 30 to 40 percent of their time in the field and the remaining 60 to 70 percent of their time is spent in the office. In the field they determine whether construction is progressing according to schedule and report back to the System Planning

or Strategic Customer Engineering Units. The senior distribution technicians wear hard hats, vests, protective eye wear, and sturdy shoes in the field.

A basic qualification for the senior distribution technician position is “[e]ight years of work experience in distribution engineering, design, construction, or maintenance, or the equivalent combination of formal education and experience.” See Er. Exh. 4, #729A, with driving requirements. The record testimony established that the applicable job description contains some inaccuracies. For example, the senior distribution technicians in 39-01-07 do not lead planning and engineering, they do not perform complicated technical studies, and do not need to make complex technical and economic calculations. They do not analyze data or prepare area load forecasts. They use WMS to develop estimates. The problems that the senior distribution technicians deal with are project-related such as obtaining a permit or scheduling a construction activity or meeting a service date. Their area of responsibility primarily concerns pricing and project management as opposed to handling complex engineering problems. In terms of experience with computer systems, the senior distribution technicians utilize WMS, CAD, CIS (customer information system) and DMIS.

All of the work in 39-01-07 is centered around WMS for scheduling and construction. The senior distribution technicians are actually operating WMS about 10 percent of their time and using business objects software about 5 percent of their time. The senior distribution technicians generally utilize the same resources as the designers and project design coordinators. They do not use EDE Calc. They use primary and secondary maps and street maps about 20 percent of their time and overhead and underground construction about 5 percent of their time. They do not use CADD to draw. They occasionally utilize CADD to view drawings electronically, but usually they view drawings on hard copy.

One of the senior distribution technicians, Mr. Huber, was previously a distribution inspector. He inspected elements of the distribution system. Mr. Huber reports to the underground lines building at Spring Gardens once a week because he handles a lot of work for this organization. He coordinates the efforts of projects that involve underground lines activities. This reporting relationship gives the splicing crew leaders, senior cable installers and cable splicer installers the opportunity to meet face-to-face with the senior distribution technician to discuss project issues or schedules.

The other distribution technician, Ms. Laser, was previously a field clerk or construction clerk and she became familiar with the information that is necessary to put into job packages. Ms. Laser has a bachelor’s degree in business, but the record testimony established that this degree is not necessary for the work that she does.

The senior distribution technicians are required to have driver training and environmental permit training. The training history for Mr. Huber indicates that he has taken three courses in Business Objects. These courses teach a software report-generating application. The senior distribution technicians use reports to obtain actual versus estimated costs for projects or to determine project schedules. Mr. Huber has also taken employee development courses in contract development, effective presentation skills, and project management basic techniques. In addition, Mr. Huber has taken an overhead construction standards course, successful completion of which required demonstration of the ability to solve engineering problems using trigonometry. Mr. Huber has also taken several Institute of Electronics and Electrical Engineering courses at BGE expense, as well as the CADD course, the EDE updates and other

courses taken by the designers. None of these courses were required for the senior distribution technician job.

During storm restoration efforts, Mr. Huber works as a patroller or a senior patroller. Ms. Laser works at the Piney Orchard Service Center and enters storm restoration data into the Electric Trouble Operating System (ETOS) to generate ETOS reports for construction crews at the service center.

I conclude that the senior distribution technicians are technical employees and should be included in the BGE-wide technical unit found appropriate herein. Initially, I note that the parties have stipulated that they are technical employees. They must have eight years of work experience in distribution engineering, design, construction, or maintenance, or the equivalent combination of formal education and experience. In addition, like the designers throughout BGE, whom I have found to be technical employees, the senior distribution technicians are expected to continue with their training in order to maintain their proficiency ratings. For example, Mr. Huber has taken an overhead construction standards course, successful completion of which required demonstration of the ability to solve engineering problems using trigonometry. Mr. Huber has also taken six or more Institute of Electronics and Electrical Engineering courses, the EDE updates and other courses taken by the designers. In addition, the record reflects that the senior distribution technicians and the engineer in this unit perform the same work, particularly as project managers. Thus, although the senior distribution technicians are not professional employees, their extensive training in specialized subjects and the degree of independent judgment they exercise in performing the same tasks as the engineer support my conclusion that they are technical employees, as the parties have conceded. Like many other technical employees found throughout BGE, the senior distribution technicians are in pay grade 31 and share common benefits. They work the same hours and use the same computer programs and other resources as the designers. Although they do not create the complex construction prints, they do prepare and review one-line diagrams and utilize CADD to view and manipulate the designers' drawings to make changes or add notations. Furthermore, they utilize technical skills like other technical employees throughout BGE and work under similar conditions in an office environment with engineering personnel. Their skills are completely different than those used by production and maintenance employees and they have separate supervision and working conditions. Their contacts with construction crews generally are limited to attending pre-construction meetings during which designers assist them in designing jobs and answering questions about the status of work during the construction process. In these circumstances, given the strong community of interest between the senior distribution technicians and the other design personnel in 39-01-07 and throughout BGE, and the absence of such a community of interest between the senior distribution technicians and production and maintenance employees, I shall include the senior distribution technicians in 39-01-07 in the BGE-wide technical unit found appropriate in 5-RC-14908.

Outdoor Lighting Section, 39-02-01 – Director, Charles Lacey, Jr.

The Outdoor Lighting Section is responsible for the design, project management, and maintenance of the BGE lighting infrastructure (e.g., light poles, cables, fixtures). The section handles approximately 240,000 lights, including 200,000 street lights and 40,000 private area lights (e.g., car dealerships, parking lots). The Outdoor Lighting Section is comprised of the Outdoor Lighting Design and Processing Unit 39-02-02 and the Outdoor Lighting Maintenance Unit 39-02-03. Most of the employees in these units are located at Front Street.

With respect to 39-02-02, the parties do not dispute that the lighting refurbisher belongs in the BGE-wide production and maintenance unit. The parties are in dispute, however, as to the lighting planners, the lighting design specialist, the distribution processor, and the senior administrative assistants. BGE contends that all of these job classifications should vote in the BGE-wide production and maintenance unit. The Petitioner contends that the lighting planners and lighting design specialist should vote in the petitioned-for technical unit limited to ETDD and that the distribution processor and senior administrative assistants should not vote in any unit. With respect to 39-02-03, the parties do not dispute that the lighting servicers belong in the BGE-wide production and maintenance unit. The parties are in dispute, however, as to the placement of the outdoor lighting dispatchers, the customer service specialist, and the senior construction inspector. BGE contends that all three of these job classifications should vote in the BGE-wide production and maintenance unit. The Petitioner would exclude these classifications.

Charles Lacey has been the Director of the Outdoor Lighting Section, 39-02-01, since February 1999. At the hearing, he provided an overview of recent organizational changes in this section. The Outdoor Lighting Section is divided into two units: the Outdoor Lighting Design and Processing Unit in 39-02-02 and the Outdoor Lighting Maintenance Unit in 39-02-03. The design and processing unit is responsible for the design and project management of new lighting infrastructure.²³ The maintenance unit is responsible for the maintenance of the lighting infrastructure. The maintenance unit is responsible for maintaining and refurbishing public street lights and private area lights and beltway lighting for Baltimore and Harford County. Lighting fixtures are refurbished at Front Street. The dispatch function for lighting services is also performed in the maintenance unit. The lighting infrastructure provides roadway or street lighting for large municipal customers and private area lighting for the parking lots of customers such as car dealerships. The design and processing unit typically receives a letter from a municipal customer requesting the installation of street lights. This unit coordinates that installation with the service planners and assistant service planners at Dorsey to place the lights on an appropriate drawing for construction forces to build. The design and processing unit is responsible for billing and revenue generation.

The record reflects that the former lighting designer and lighting technician classifications in 39-02-02 have been combined into a new classification called lighting planner. The lighting refurbisher was moved from the Outdoor Lighting Maintenance Unit in 39-02-03 to the Outdoor Lighting Design and Processing Unit in 39-02-02. The field support assistant in 39-02-03 was renamed outdoor lighting dispatcher.

Most of the Outdoor Lighting Maintenance Unit 39-02-03 reports to the first floor of the Front Street location. There is a fairly large office area that is divided into two parts. The part to the left of the partition is a staging area where the customer care specialist (disputed classification) is located and the lighting servicers and senior lighting servicers report in the morning.²⁴ The lighting refurbisher also makes use of a computer in this area. Above the

²³ Lacey testified that three subunits have been created with work leaders for each subunit. There is a sales subunit headed by a sales senior lighting account representative - work leader, a specialty maintenance project subunit headed by a cable fault and special maintenance coordinator - work leader, and a data management subunit that consolidated the senior administrative assistant positions in both 39-02-02 and 03 into 39-02-02 and that is headed by a principal administrative assistant - work leader.

²⁴ Five lighting servicers were recently promoted into the overhead ranks so that at the time of the hearing, 39-02-03 was short on lighting servicers. At the time of the hearing, BGE expected

partitioned area is a dispatching area where the three outdoor lighting dispatchers and the senior outdoor lighting dispatcher report. Each day or night, the lighting servicers report to that area to receive their job assignments.

The senior construction inspectors and one of the senior administrative assistants, Kim Wolf, sit just outside Supervisor DiCarlo's office. Near that area is a staging area for outside contractor crews who work on Beltway lighting and who interface daily with the senior construction inspectors.

The Outdoor Lighting Design and Processing Unit 39-02-02 is located on the third floor of the Front Street Building. The lighting account representatives (excluded classification) lighting planners, lighting design specialist, distribution processor, principal administrative assistant, and the other senior administrative assistants sit in a typical office environment in rows of cubicles scattered throughout the third floor of the Front Street Building. Weekly and monthly employees and contractors use common areas, such as the restrooms, cafeteria, parking garage and conference rooms at the Front Street location.

The storeroom or refurbishment area is in the Monument Street Warehouse. In addition to the lighting refurbisher, the lighting design specialist and lighting servicers also use this area. That is where the lighting servicers pick up their materials to load up their trucks. Occasionally, the lighting planners go into the refurbishment area or call over to the lighting refurbisher to coordinate delivery of materials to a job site.

Unit safety meetings are held each month for 39-02-02 and 39-02-03. Joint unit meetings are held every other month. The unit meetings last about two hours. Safety specialist, Dave Eader, is present at these meetings to review accidents and other safety-related issues. The lighting design specialist also makes a presentation on new lighting material at these meetings. Business metrics, such as responses to street light outages and cable faults, are also reviewed at these meetings. All weekly employees in 39-02-02 and 03 have the same divisional goals. Local goals in 39-02-02 relate to design and processing, whereas local goals in 39-02-03 relate to maintenance.

Outdoor Lighting Design & Procg. Unit, 39-02-02 – Supervisor, Cory Summerson

This unit is responsible for the design and project management of the street lights and private area lights that make up the BGE lighting infrastructure. The vast majority of the work performed by this unit is street light work, or roadway lighting, which is done for municipal customers. This unit also is responsible for refurbishing, ordering, and maintaining the inventory of the lights and other materials used to build and maintain the lighting system. As noted above, the lighting planners, lighting design specialist, distribution processor, and senior administrative assistants are at issue in this unit.

Distribution Processor, 39-02-02

to hire five overhead trainees. One lighting servicer reports to Howard, one reports to Perry Hall, two or three report to Piney Orchard, and the remainder work out of Front Street.

The distribution processor in 39-02-02, Deborah McKee, works in the office area on the third floor of the Front Street location. She is supervised by the principal administrative assistant-work leader, who also supervises the senior administrative assistants in work group 4. She spends about 90 percent of her time in her cubicle predominantly performing computer-related work. She generally works 7 a.m. to 3:30 p.m., with flex time. She wears casual business attire to work. She has spent a large portion of her time in the Outdoor Lighting organization, although she was previously a forestry management clerk.

She processes information that is used by the construction forces to construct a lighting job. The lighting planner puts together the design and WMS information and physically gives it to a distribution processor, who sits in a nearby cubicle. The distribution processor uses the computer and various software systems to process records necessary to construct the job. The distribution processor puts together a job package that contains drawings, account numbers, material lists, and data necessary for constructing the job, and forwards it by company mail to the Construction Management Unit in 39-10-02. The overhead or underground crews use these job packets to install new lighting infrastructure.

After the distribution processor receives the requisite drawings and materials lists from the lighting planner, the distribution processor updates the Work Management System (WMS) to indicate when the job has been released for construction. The distribution processor also uses the computer to update billing records and track the status of the job.

When the job is completed, the distribution processor uses WMS to compare actual versus estimated costs of the job. She interacts by telephone with the crew leader, or with the senior construction inspector if the job is performed by a contractor, to determine the reason for any large variances. The distribution processor compares actual job costs versus estimated job costs using the computer and the WMS. The actual costs are contained in the Business Information System (BIS), an accounting system that reports costs. After making these comparisons, the distribution processor generates a report for supervision to verify that customers are being correctly billed for material costs.

The distribution processor compiles certain statistical information such as the number of street lights and private area lights that were installed, removed or changed. The distribution processor also verifies Lamp Location Codes within the Grid Coordinate System for new lighting installations. Any classification, such as the lighting servicers, who are performing maintenance or repairs to the lighting infrastructure, need the Lamp Location Codes, which identify each light on the system.

The distribution processor must have strong computer skills and a good working knowledge of the Work Management System (WMS) and the Business Information System (BIS). The distribution processor does not have a storm duty assignment.

I conclude that the distribution processor in 39-00-02 is an office clerical employee and should be excluded from any of the units found appropriate herein. She has different skills and functions than production and maintenance or technical employees, works exclusively in an office environment performing clerical tasks and uses a computer and other typical office equipment. She has little face-to-face contact with unit employees, does not interchange with them, and has separate supervision from them. The fact that she handles work packages used to construct outdoor lighting jobs does not convert her into a plant clerical for production and maintenance employees. Cooper Hand Tools, 328 NLRB No. 21, slip op. at 4 (1999); Weldun,

Inc., 321 NLRB 733, 735 (1996); Continuous Curve Contact Lenses, 236 NLRB 1330, 1332 n.6 (1978); Nuturn Corp., 235 NLRB 1139 (1978). Moreover, given the fact that the distribution processor lacks the technical skills and interests possessed by employees in the BGE-wide technical unit appropriate, I shall exclude her from that unit as well. Brown & Root-Northrop, 174 NLRB 1005, 1006 (1969) (clerical employees who do not perform technical tasks are not included in technical units); General Electric Co., 147 NLRB 558, 560 (1964); see also, United Shoe Corp., 185 NLRB 200, 201 (1970) (despite routine contact, clericals share no community of interest with technicals due to difference in training and complexity of work); The Armstrong Rubber Co., 144 NLRB 1115, 1118 (1963). Accordingly, I shall exclude the distribution processor in 39-02-02 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

Lighting Design Specialist, 39-02-02

The lighting design specialist, Rick Stewart, is in pay grade 30. He is supervised by the special project senior lighting designer - work leader in work group 3, Nick Costa, who also supervises the lighting planner (disputed classification) and the lighting refurbisher (included production and maintenance classification). The lighting design specialist works from 7 a.m. to 3:30 p.m.

The lighting design specialist performs multi-faceted functions, but is primarily responsible for insuring that BGE buys the most cost-effective fixtures from vendor materials. He interfaces with lighting vendors to procure the most cost-effective lighting materials (predominantly poles, luminaries, lamps, photocells, and cable) for use on BGE's system. The lighting design specialist is responsible for the specifications and procurement of new materials.

The lighting design specialist spends more than half his time evaluating new materials and vendor products. The lighting design specialist interacts with lighting vendors, but spends a minimal amount of time in vendor facilities. The vendors typically come to Front Street. During the course of a month, approximately six vendors visit the lighting design specialist for an hour or two. The lighting design specialist evaluates vendors' products and makes a recommendation for purchase after consultation with the lighting servicers, account representatives, and others who use the product. His recommendations are generally accepted provided that there is "buy-in" from the rest of the Outdoor Lighting team.

The lighting design specialist interacts face-to-face each day with the lighting refurbisher concerning daily operational problems with equipment in service, the management of inventory levels, what to refurbish, and the costs for refurbishing fixtures or buying new equipment. They both work in the same building. The lighting refurbisher, Bill Krue, (included production and maintenance classification) spends the vast majority of his time over on the first floor of the Monument Street Warehouse where lighting fixtures and components are stored and where the refurbishing facilities are set up.²⁵ The lighting design specialist works in a cubicle on the third floor. The interchange usually occurs when the lighting design specialist regularly visits the

²⁵ The lighting refurbisher also makes sure that the lighting servicers, who report to service centers or satellite facilities such as Piney Orchard, Howard, and Perry Hall, have an appropriate stock of lighting materials to pull from these locations. The lighting refurbisher makes trips to restock these facilities.

refurbishing area, although occasionally the lighting refurbisher will visit the lighting design specialist at his cubicle.

The lighting design specialist is responsible for reducing the inventory of lighting materials. He specifies the quantities of orders to the buyer (excluded classification) or expedited buyer (disputed classification) in the Purchasing & Materials Management Department 73, after discussing what fixtures to refurbish with the lighting refurbisher and after monitoring WMS and purchasing reports concerning field use of outdoor lighting inventory.

The lighting design specialist also interacts with the lighting servicers (included production and maintenance classification) concerning training issues and the resolution of problems with equipment in the field. As reflected in the applicable job description, the lighting design specialist trains and advises lighting servicers concerning the application of illumination and circuit design criteria and the proper maintenance and installation of new equipment. About once a week, the lighting design specialist is in the field verifying whether or not lights are performing the way they are supposed to. The lighting design specialist meets with lighting servicers in the field, troubleshoots equipment problems with them, and then interfaces with the vendor if the problem persists. The lighting design specialist also examines components of the vendor's fixture with the lighting servicers and takes ideas generated by the lighting servicer back to the manufacturers so that they may be incorporated into the fixtures.

The lighting design specialist maintains a commercial driver's license to operate bucket trucks used for installing lighting fixtures. He receives all the same training for fixture installation and bucket truck operation that the lighting servicers receive, either at the Rutherford Business Center or Front Street facilities. When the lighting design specialist and/or lighting servicers are testing fixtures, they operate a bucket truck and wear rubber gloves, low-voltage work gloves, a safety harness for fall protection, a hard hat, and safety glasses. When troubleshooting specific problems in the field concerning fixture installation, the lighting design specialist uses the bucket truck to take a look at the tap inside the ballast and may retap to a proper voltage.

The record established that the lighting design specialist is basically a lighting technology expert, who must keep abreast of changes in the lighting field as it relates to equipment. Twice a year, the lighting design specialist attends a Mid-Atlantic conference concerning new outdoor lighting concepts. The lighting design specialist shares his expertise and the information he gathers at these conferences with the other classifications in Outdoor Lighting. During monthly meetings, the lighting design specialist often makes a presentation to the lighting servicers on a new product that BGE is considering and seeks feedback from the lighting servicers. The lighting design specialist functions independently most of the time to obtain the best product at the best price to support the existing lighting infrastructure in accordance with existing standards and work practices. When a customer requests a new fixture, the lighting design specialist works through Rates and Tariffs to obtain the appropriate pricing and stock numbers for that fixture. The lighting design specialist interfaces with Rates and Tariffs personnel to determine appropriate pricing for the leasing of fixtures.

The lighting design specialist must ensure that the fixture conforms to the lighting parameters that the customer is requesting. To do so, he examines the photometrics on paper and then uses a light meter to test whether the lights produce the parameters advertised. The lighting planner needs extensive knowledge about ballasts, photo controls, and photo cells. The lighting design specialist gains that knowledge through on-the-job experience, in-house training and

training in technical courses at the General Electric lighting school, and through vendor and manufacturer publications. At the GE Lighting School, the lighting design specialist took a week-long course to perform photometric layouts and design using GE products. BGE paid for tuition, travel and lodging. Moreover, the record reflects that the lighting design specialist was instrumental in purchasing software that allows the lighting planners to design photometric layouts for private area light installations. The lighting design specialist also attends conferences each year such as the Mid-Atlantic Lighting Conference where he observes presentations by vendors. The lighting design specialist also took a course on Standards of Business Conduct that focuses on dealings and interactions with outside vendors. The lighting design specialist and lighting refurbisher took a course on waste management that involved the proper disposal of hazardous material such as mercury vapor lamps.

The lighting design specialist helps develop and write certain standards that are in the EDE handbook. The lighting design specialist does not use the CADD system or work with BGE engineers.

Director Lacey testified that the job description for the lighting design specialist (Er. Exh. 4, #336B) is accurate. The lighting design specialist must possess two years of post-high school education or the equivalent combination of formal training and experience. Director Lacey testified that Rick Stewart has the equivalent combination of formal education, training and experience. His work history shows field experience as an underground construction coordinator, fault specialist, and cable splicer. The record shows that the lighting design specialist is used as a patroller during storm restoration efforts.

I conclude that the lighting design specialist in 39-02-02 is a technical employee and should be included in the BGE-wide technical unit found appropriate in 5-RC-14908. A basic qualification of this job is two years post-high school education in an engineering/technical area, including courses in electric circuit theory and illumination engineering, and over six years experience, including electric conduit and/or outdoor lighting design or the equivalent combination of formal education/training and experience. BGE provides the lighting design specialist with continuous training by sending him to the lighting school conducted by General Electric and to annual Mid-Atlantic Lighting Conferences at BGE expense. The record testimony further established that the lighting design specialist is a lighting technology expert who uses extensive knowledge of lighting technology to evaluate and procure new, more cost-effective lighting materials for BGE. He works independently to make selections regarding new products to incorporate into the existing infrastructure after consulting with employees who use the products. His recommendations are generally accepted by management. In addition, he provides monthly training sessions for the lighting servicers regarding the proper maintenance and installation of new equipment and acts as a troubleshooter for them when specific problems arise in the field. He helps write standards for the Electric Distribution Engineering handbook concerning how to wire and install new fixtures. This is akin to the technical work performed by the operating instruction technicians, who write operating instructions for the substations and who I have include in the BGE-wide technical unit. The applicable job description confirms that the lighting design specialist provides technical expertise to various internal departments regarding the design, supply, construction and maintenance of street lighting systems. In addition, this job description confirms that he prepares special designs for poles, pole mountings, conduit facilities and other structures required for street lighting in various public works projects. See Er. Exh. 4, #336B. In sum, I find that the lighting design specialist job requires a high degree of expertise in lighting engineering that is acquired through post-high school courses and considerable on-the-job training. The record further established that the lighting design specialist exercises

considerable independent judgment to select new equipment, draft standards, and troubleshoot for the lighting servicers. In these circumstances, I conclude that the lighting design specialist is a technical employee and should be include in the BGE-wide technical unit found appropriate herein. Barnert Memorial Hospital Center, 217 NLRB at 777; Western Gear Corp., 160 NLRB at 274; National Gypsum Co., 116 NLRB at 1009.

Even if it should be determined that lighting design specialist in 39-02-02 is not a technical employee, I conclude that he performs work of a technical nature and shares a community of interest with other technical employees that I have included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006. As explained above, the lighting design specialist in 39-02-02 performs technical functions and utilize technical skills like other technical employees throughout BGE that are distinct from the functions and skills of production and maintenance employees. Like other technical employees throughout BGE, he works primarily in an office environment from 7 a.m. to 3:30 p.m., receives grade 30 pay and the same fringe benefits. Although he has frequent contact with the lighting servicers and lighting refurbishers, his interaction with them is primarily as a consultant. Thus, he provides training to them, troubleshoots problems with them, and advises the refurbishers about whether it is more cost-efficient to refurbish or replace damaged equipment. There is no evidence of any interchange with production and maintenance employees. See Power, Inc., 311 NLRB at 608 (daily contact is not sufficient to create community of interest where employees have distinctively different skills and duties, separate supervision, different tools); Harron Communications, Inc., 308 NLRB at 62 n. 1. In these circumstances, given the similarity of technical design skills and functions, similar hours and working conditions, and the same pay and benefits that the lighting design specialist shares with other technical employees throughout BGE, I shall include the lighting design specialist in 39-02-02 in the BGE-wide technical unit found appropriate in 5-RC-14908.

Lighting Planners, 39-02-02

As noted above, the former lighting designer classification and lighting technician classification were combined to create a new lighting planner classification. Supervisor Lacey testified that the job descriptions for the lighting designer (Er. Exh. 4, #459A) and lighting technician (Er. Exh. 4, #337B) together provide an accurate description of the lighting planner's job and basic qualifications.

There are five lighting planners in pay grade 29 in 39-02-02.²⁶ Four of them are in work group 2 and are supervised by the sales senior lighting account representative - work leader, who also supervises the lighting account representative (excluded classification). Work group 2 is the sales team. The other lighting planner is in work group 3 and is supervised by the special project senior lighting designer- work leader, who also supervises the lighting design specialist and the lighting refurbisher.

As a result of the December 1999 reorganization in Outdoor Lighting, lighting planners work in two-person teams that are organized geographically. The lighting planners are paired with lighting account representatives (excluded classification) from the sales staff. The lighting

²⁶ In addition to "company lighting planners", BGE uses contract lighting planners. Three retired BGE employees have come back to work as contract designers or planners in 39-02-02. One contract designer performs quickie jobs, another performs State Highway work and the third helps out with cable replacement jobs.

account representatives interface with new customers and try to drum up new business. The lighting planners take letters from municipal customers that request a certain number of street lights and then interface with some of the service planners at Dorsey to satisfy the request. The lighting planners take direction from the municipal customers about where to put the lights. The lighting planners and lighting account representatives work together as a team primarily over the phone and these classifications substitute for one another during vacations and absences. Lighting planners estimate jobs for the lighting account representative for municipal customers.

When a customer calls to report a defective street light, a lighting servicer from 39-02-03 examines the problem in the field and makes repairs, if possible. If the lighting servicer detects low voltage attributable to a cable fault, that cable job is routed to either the underground line organization in 36-06 if the job is within the city of Baltimore, or to an outside contractor if the cable job is outside the city. Lamp location codes are used by the lighting servicers to locate the street lights.

The lighting planners create drawing circuitry that is used to assess where cable faults are so that digging and repairs can begin. All street light fault locating work outside the city of Baltimore is performed by an outside contractor. Inside the city, underground lines in 36-06-01 provides fault locating services and uses the drawings created by the lighting planners. The lighting planners have minimal interaction with the lighting servicers.

Basically, the lighting planners receive base maps electronically from the service planners in 39-01. Consistent with overhead and underground construction standards, the lighting planners overlay lighting circuitry and fixture symbology on these base maps to produce a set of street light drawings that can be used by construction crews to install street lights.

Petitioner's Exhibit 86 is a drawing of a private area light contract that was done by lighting planners in Unit 39-02-02, although the record testimony established that it is not a good representation of a CADD drawing. The lighting planners essentially transcribe customer lighting requests into a graphical depiction by using CADD. Lighting planners in 39-02-02 use computer work stations and CADD machines and recently received training on how to use the CADD system to perform their job more efficiently and effectively. The lighting planners are required to be proficient in CADD. The record established that the lighting planners who are not proficient in CADD, will receive the training necessary to make them proficient. Some lighting planners have drafting tables.

Lighting planners must be familiar with county codes and regulations related to street lighting. Lighting planners use the Electric Distribution Engineering (EDE) handbook when they are laying out their lighting circuits to make sure that they are conforming to the National Electric Safety Code. Lighting planners need to be knowledgeable about how to wire lights in accordance with underground and overhead standards. The lighting planners need to determine how many lights can be put on a specific wire size to maintain proper voltage. They perform voltage drop calculations using computer modeling. Lighting planners occasionally must size a transformer to make sure that it has sufficient capacity to handle an additional load of lights. They count up the number of lights to be added to the circuit to determine a total load and then use design standards to determine what size transformer is needed to carry that load.

The predominant classifications in Underground Lines that are end users of the drawings created by the lighting planners are included production and maintenance classifications such as cable splicer, cable splicer B, cable splicer trainee and splicing crew leader in 36-06. Other

classifications that perform support functions in the office, such as field support assistant and distribution construction planner in 39-10, also use the drawings to help dispatch crews.

When conditions in the field do not conform to the drawings, which occurs less than 50 percent of the time, construction crew leaders or construction inspectors for contract crews will contact the lighting planners for clarification. Sometimes, site visits by the lighting planner are necessary. When visiting the job site, the lighting planners wear personal protective equipment and modify drawings to reflect the actual installation.

The lighting planners interface regularly with personnel from the Maps and Records Section in 37-05-01, who are also located at Front Street, to obtain primary or secondary maps. These maps are also used by Underground Residential Development (URD) crews, overhead crews, and any classification that is actively working on the distribution system.

The lighting planners create materials lists that correspond with the project. They order stock materials through the work management system (WMS). They work with the lighting design specialist to procure non-stock materials such as fixtures from lighting vendors. They interface with distribution processors in 39-02-02 to put together job packages through WMS, which estimate the man hours necessary for the job. The lighting planner creates the documents (drawings) and the distribution processor puts together the work packages for the dispatchers and construction or contractor crews. The lighting planners work with the senior administrative assistant to resolve billing issues.

Bob Venanzi, one of the lighting planners, is responsible for the cable replacement program for street light circuits. Unlike the other four lighting planners, he works on a daily basis with field crews to verify conditions in the field and determine whether or not cable should be replaced. If the cable needs to be replaced, he designs and directs the installation of that cable replacement job. Essentially, Mr. Venanzi is dealing with infrastructure that has failed, whereas the other lighting planners are dealing with requests for new lights from municipal or private customers.

There is no degree requirement or post high school educational requirement for the lighting planner job. The lighting planners perform a patroller function during storm duty. The lighting planners participate in the Results Incentive Award program.

Two of the lighting planners, Bernard Kelm and Jay Merk, have field construction experience that is helpful when creating designs according to construction standards. Two other lighting planners, Mr. Magee and Mr. Wolf, came from the Maps and Records area as drafters. Bob Venanzi came from an engineering substation background as an electrical engineer. Like other employees, the lighting planners use the BGE employee educational assistance program to take advantage of courses such as computer courses or Microstation CADD Training at local community colleges. Petitioner's Exhibit 61, a listing of courses taken by employees under the program, shows that lighting planners have taken CADD or computer courses. The record testimony established that these courses are helpful for job performance. Another lighting planner received a Bachelor of Science degree through the employee educational assistance program about a year before becoming a lighting planner.

I conclude that the lighting planners in 39-02-02, like the lighting design specialist in 39-02-02, are technical employees and should be included in the BGE-technical unit in 5-RC-14908. As noted, the record established that the job descriptions for the lighting designer and lighting

technician together provide an accurate description of the lighting planner's job and basic qualifications. Thus, a basic qualification for the lighting planner position is successful completion of post-high school courses including algebra, trigonometry, and mechanical drawing and over four years related work experience or equivalent combination of formal education/training and experience. See Er. Exh. 4, #459A. The lighting planners, like most other technical employees found throughout BGE, have technical skills and functions and must be proficient in using CADD. In addition, they must be knowledgeable about wiring lights in accordance with underground and overhead standards and the National Electrical Code. They primarily design and engineer outdoor lighting projects requested by municipalities and private customers, and produce sets of drawings that construction crews use to install the projects. To create their drawings, the lighting planners must determine what lighting and electrical infrastructure already exists. They make drop calculations to determine whether there is sufficient voltage to support the projected load. When necessary, they size the existing transformer to determine whether it can handle the increased load. They obtain base maps from the service planners in 39-01-01, that show the roadway layout and lot lines. They also determine BGE and local jurisdictional requirements concerning the number of lights and the appropriate spacing between them. Finally, they engineer the circuitry for the new lighting system, and produce their drawings, either by hand or using CADD. Based on the foregoing, I find that their drafting and design work is of a technical nature, requiring the application of specialized training and experience, and I conclude that the lighting planners in 39-02-02 are technical employees under the Act. Western Gear Corp., 160 NLRB at 274; Weldun Int'l, Inc., 321 NLRB at 753 (designers and drafters are technical employees); Waldorf, Inc., 122 NLRB at 805 (same); Allis-Chalmers, 128 NLRB 87, 89 (1960) (given nature of work, designers and drafters are technical employees even absent any formal educational requirements).

Even if it should be determined that the lighting planners in 39-02-02 are not technical employees, I conclude that they perform work of a technical nature and share a community of interest with other technical design employees that I have included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006. As explained above, the lighting planners perform technical functions and utilize technical skills like other technical and design personnel throughout BGE. The tools of their trade are computer work stations, CADD, and drafting tables. These technical functions, skills and tools are distinct from those of production and maintenance employees. Like other technical employees throughout BGE, they work in a typical office environment, and apart from drafting, they do not engage in physical work. Although Mr. Venanzi is responsible for cable replacement and has regular contact with construction crews, his role is to determine whether the cable needs to be replaced and how such replacement work should be done. There is no evidence that he performs any production and maintenance work, or that there is any interchange between this lighting planner and the construction crews. See Power, Inc., 311 NLRB at 608 (daily contact is not sufficient to create community of interest where employees have distinctively different skills and duties, separate supervision, different tools); Harron Communications, Inc., 308 NLRB at 62 n. 1. In these circumstances, I shall exclude the lighting planners in 39-02-02 from the BGE-wide production and maintenance unit and include them in the BGE-wide technical unit with other technical employees with whom they share a community of interest in 5-RC-14908.

Senior Administrative Assistants, 39-02-02
Senior Administrative Assistant, formerly 37-05-04

As noted in 37-05-04, the parties stipulated that senior administrative assistant JOAN M. MARKER, in former 37-05-04, was transferred to a senior administrative assistant position in Unit 39-02-02.

Apart from Walker, there are two senior administrative assistants, Ms. Wolf and Ms. Sterling, in pay grade 26 in work group 4 in 39-02-02. They are supervised by the principal administrative assistant work leader, who also supervises the distribution processor. Both Ms. Wolf and Ms. Sterling spend over 90 percent of their time in a typical office environment and most of their office time on the computer. Ms. Wolf works 7 a.m. to 3:30 p.m., the same hours as a lighting servicer. Gladys Sterling reports to work about 8:30 a.m. and works eight hours. Ms. Sterling can work flex time. Ms. Wolf is encouraged to work the same hours as the lighting servicers.

Senior administrative assistant, Kim Wolf, 39-02-03, reports to the first floor office area of the Front Street location and predominantly assists and provides data support to the lighting servicers and the lighting refurbisher in the maintenance organization. Ms. Wolf maintains spread sheet data concerning the efficiency and productivity of the lighting servicers, who have a goal to complete 1.6 CIS tickets per man hour. She also helps the lighting refurbishers with computer queries concerning the inventory system. She assists the lighting refurbisher monitor inventory by creating an Excel spread sheet that the lighting refurbisher manually updates and gives to her for revision. The spread sheet indicates the number and type of fixtures that have been refurbished, how many man hours it took to refurbish those fixtures, and what the material costs were. The senior administrative assistant and lighting refurbisher interact face-to-face concerning revisions to the spread sheet. The senior administrative assistant also sets up spread sheets to produce monthly reports on maintenance organization metrics for supervision. She regularly uses Excel software, the time entry system, and the Microsoft Office product suite. She also uses the Microsoft Office portfolio and a program called PowerPoint. She assists in preparing PowerPoint presentations for either her supervisor, the senior lighting servicer, or for any kind of presentation that might be necessary at a unit meeting. She orders stationary, safety supplies, and other materials from the warehouse for the maintenance unit and for the lighting servicers reporting to Front Street.

The other senior administrative assistant, Gladys Sterling, reports to the third floor office environment of the Front Street Building. She sits with the lighting account representatives lighting planners, lighting design specialist, distribution processor, and the principal administrative assistant from the Outdoor Lighting Design and Processing Unit 39-02-02. Ms. Sterling is primarily involved with billing and revenue generation. Her personal interaction primarily is limited to discussion with the account representatives (excluded classification). She is involved with making sure that billing is done correctly. When there are billing errors, a customer will typically call an account representative, who will bring the error to Ms. Sterling's attention. Ms. Sterling will make the necessary correction to the account so that the bill will go out correctly the next month. She interacts with excluded classifications in the billing services unit of the Retail Services Division in L4-01-01. When customers fail to pay their bills, she informs them that service will be cut off if they remain delinquent.

I conclude that the senior administrative assistants in 39-02-02, including Marker, are office clerical employees and should be excluded from any of the units found appropriate herein. They have different skills and functions than production and maintenance or technical employees. They work exclusively in an office environment performing clerical and administrative tasks using traditional office equipment. Although Ms. Wolf assists the lighting refurbisher to create and maintain a spread sheet so that he is able to monitor his work, this is merely a recordkeeping function, that is not functionally related to the actual performance of production and maintenance his work. The remainder of her work involves obtaining stock supplies and providing supervisors with monthly reports for evaluation of employee performance. There is no evidence that Ms. Sterling has any contact unit employees, nor that either she ever interchanges with them. Nor is there any evidence that either of the senior administrative assistants have technical skills or perform work of a technical nature. In these circumstances, I find that the senior administrative assistants in 39-02-02, including the senior administrative assistant who transferred to this unit from 37-05-04, are office clerical employees and I shall exclude them from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Avecor, Inc., 309 NLRB 73, 75 (1992); Brown & Root-Northrop, 174 NLRB at 1005-06.

Outdoor Lighting Maintenance Unit, 39-02-03 – Supervisor, Paul Dicarlo

As described above, the Outdoor Lighting Maintenance Unit is responsible for maintaining all of the street lights and private area lights within the BGE lighting infrastructure. As noted, the parties do not dispute that the lighting servicers should be included in the BGE-wide production and maintenance unit. The parties dispute the placement of the outdoor lighting dispatchers, the customer service specialist and the senior construction inspector. BGE claims that all three of these job classifications should vote in the BGE-wide production and maintenance unit. The Petitioner claims that these classifications should be excluded from any appropriate unit.

Outdoor Lighting Dispatcher, 39-02-03 (formerly Field Support Assistant)

There are three outdoor lighting dispatchers (formerly called field support assistants) in work group 6 in pay grade 26. They are the only classification in work group 6 and they are supervised by the senior outdoor lighting dispatcher work leader in work group 6.

The primary role of the outdoor lighting dispatcher is to dispatch work in an efficient manner. Outdoor lighting dispatchers perform shift work to accommodate night-shift operations. Some of the outdoor lighting service planners work an 8-hour day shift from 7 a.m. to 3:30 p.m., and others work a 10-hour night shift from 9 p.m. to 7 a.m..

The outdoor lighting dispatchers and the lighting servicers report to the first floor of the Front Street facility each morning. They are separated by a little partition. The outdoor lighting dispatchers spend about 90-100 percent of the time at their desks. They review, sort by date, and collate by geographic area, the CIS tickets that are generated at the service board. The outdoor lighting dispatchers then assign the CIS tickets each morning to the lighting servicers (included production and maintenance classification) assigned to the various areas. The record established that the outdoor lighting dispatcher physically carries the CIS tickets over to the lighting servicers. At the conclusion of each day, the lighting servicers return paperwork to the outdoor lighting dispatcher. That paperwork indicates what work they completed. The outdoor lighting

dispatchers then enter the repairs made or work performed by the lighting servicers into the street light maintenance database.

The lighting servicers have pigeon holes or mail slots in the area where they report to work. The outdoor lighting dispatchers could simply place the CIS tickets in the lighting servicers' mail slots, but typically they interact face-to-face in the morning on the first floor at Front Street. The lighting servicers typically spend 30-45 minutes at Front Street each morning before going to the field. Any additional interactions would occur at the end of the shift or via radio during the day.

When lighting servicers troubleshoot the lighting circuit, they often call the outdoor lighting dispatcher via radio to inquire where the relay is that turns the lights on. The outdoor lighting dispatchers review secondary street light prints to determine where the relay is and then convey that information back to the lighting servicer in the field via radio. The record reflects that this type of interaction may occur several times a day for many of the lighting servicers, particularly those who do not have the appropriate prints with them. If a lighting servicer reports a cable problem, then the outdoor lighting dispatchers create a cable job or notation in a separate Access database, the Cable Maintenance Tracking System. The outdoor lighting dispatcher then conveys the nature of the problem by fax to underground lines if it is a fault within the City of Baltimore or to the senior construction inspector, Felix Carr, if it involves cable work that was performed in the surrounding counties.

On occasion, a lighting servicer will fill in for an outdoor lighting dispatcher when there is a high backlog of CIS tickets or an extended absence or sickness of a dispatcher, but the dispatchers do not work as lighting servicers. The outdoor lighting dispatchers are utilized during storm restoration efforts to dispatch lighting servicers for loop restoration work. The outdoor lighting dispatchers share the same Results Incentive Award goals as the lighting servicers.

Outdoor lighting dispatchers need to have a demonstrated knowledge of the company outdoor lighting systems, grid code system, secondary street light prints, company radio systems, and proper radio phraseology. Outdoor lighting dispatchers occasionally must look at secondary maps to determine the grid code for a light that is being worked on in the field. They need to be able to read the street light secondary prints to determine where the supply source for lights are located. The outdoor lighting dispatcher would then go to the microfiche file to locate where the Lamp Location Code is in the grid map. They need to be able to interpret the street light circuits so they can help direct lighting servicers when they do not have sufficient information in the field.

Record testimony established that the job description for the outdoor lighting dispatcher is accurate. See Er. Exh. 4, #423B. The outdoor lighting dispatchers generally have backgrounds as service dispatchers, field support assistants, or clerks. See Pet Exh. 91 A-C.

I conclude that the outdoor lighting dispatchers in 39-02-03 share a sufficient community of interest with production and maintenance employees, particularly with lighting servicers, to be included in the BGE-wide production and maintenance unit found appropriate herein. Petitioner relies, inter alia, on Cablevision Systems Development Co., 251 NLRB 1319, 1323 (1980), where the Board concluded that dispatchers responsible for radio communications with service technicians did not share a community of interest with those technicians. Unlike the situation in Cablevision, the outdoor lighting dispatchers have regular daily contact with lighting servicers, share common unit supervision with them, work the same shifts and hours as lighting servicers,

report to the same office location, and perform work that is functionally integrated with the maintenance work done by the lighting servicers. The outdoor lighting dispatchers are located on the first floor of Front Street in the same room where most of the lighting servicers, an undisputed production and maintenance classification, report for work. They share the Front Street common areas with lighting servicers. The outdoor lighting dispatchers and the lighting servicers share common unit supervision. The outdoor lighting dispatchers are responsible for dispatching all of the maintenance work performed by the lighting servicers. The outdoor lighting dispatchers review, organize geographically, and prioritize the lighting work tickets. Most of the lighting servicers report to their Front Street staging area every morning and pick up their daily tickets directly from the outdoor lighting dispatchers. The outdoor lighting dispatchers also have regular contact with the lighting servicers throughout the day via radio. They dispatch high priority maintenance work and answer work-related questions such as where a relay is located or what circuits particular lights are located on. They interpret the secondary street light circuitry and utilize the grid coordinate system. When the lighting servicers report back to Front Street at the end of the day, they give their work tickets back to the outdoor lighting dispatchers so that the outdoor lighting dispatchers can update the street light maintenance database. Lighting servicers fill in for and perform the exact same work as the outdoor lighting dispatchers when the workload is heavy or an outdoor lighting dispatcher has an extended absence or illness. The outdoor lighting dispatchers work the same two shifts and the same hours (7 a.m. to 3:30 p.m. and 9 p.m. to 7 a.m.) as the lighting servicers work. During storms, the outdoor lighting dispatchers dispatch loop restoration work to the lighting servicers and they share the same RIA incentives. In these circumstances, I conclude that the outdoor lighting dispatchers share a community of interest with undisputed production and maintenance positions and should be include in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Customer Service Specialist, 39-02-03

The customer service specialist in 39-02-03, Raymond Rolle, is in pay grade 28. His job history reflects a background in the customer service area. The customer service specialist shares unit supervision in work group 1 with the field support assistants and a student employee. The customer service specialist generally works 7 a.m. to 3:30 p.m. He reports to the first floor at Front Street in the staffing area. The customer service specialist spends more than 90 percent of work time at the office.

When a customer service specialist receives a call about a street light outage, he uses the same system that the outdoor lighting dispatchers use to create a CIS ticket. The customer service specialist will hand carry the ticket to the outdoor lighting dispatchers and request that this work be prioritized the next day. The customer service specialist calls back the municipal customer concerning the status of the job, whereas the outdoor lighting dispatcher does not usually call a customer back. The customer service specialist interacts face to face with the senior lighting servicers, senior construction inspectors, and whoever else may be necessary in order to determine the status of the job.

The customer service specialist reports to work about 7:00 a.m. when the night shift is getting off and he may interact with the night-shift lighting servicers about the status of pending jobs. The customer service specialist sits in the staging area where the lighting servicers report every morning and interacts with them on a daily basis.

All cable jobs are handled by the senior construction inspectors. When a lighting problem is determined to be cable-related, the customer service specialist will interact with the senior

construction inspectors. In the case of underground lines, the customer service representative would interact directly with, Donna Turnbull, the distribution construction planner (work leader and excluded classification) in 36-06-01 to determine the status of a cable job within the City of Baltimore. If the problem or complaint involves cable outside the city, the customer service specialist calls senior construction inspector, Felix Carr.

In order for the customer service specialist to process street light outage calls, he needs to have the same type of knowledge that the outdoor lighting dispatchers have. This includes knowledge of how the Lamp Location Codes interface with the Grid Coordinate System, how the street light secondary prints depict street light circuitry, and how to use WMS to track the status of construction jobs. This knowledge ensures that when the customer service specialist prepares the CIS ticket and appropriate secondary street light circuitry for a municipal customer, he pulls the correct secondary prints and packages them up to avoid trouble calls from the field. The customer service specialist also accesses the street light maintenance database that contains the maintenance history for all lights that BGE is obligated to maintain. The customer service specialist queries the database to check to see when the last maintenance occurred and whether there is a recurring problem on the same circuit. As noted, once the job is completed, an outdoor lighting dispatcher updates the database. The senior administrative assistants use this database to run reports for supervision. The customer service specialist also accesses the cable tracking database and must be knowledgeable concerning use of the radio

The customer service specialist receives calls about maintenance practices. He then calls the distribution construction planner (excluded classification - work leader) in 36-06-01 about the maintenance crew (lighting servicer, overhead crew, or underground crew) that was responsible for the customer complaint. Otherwise, the customer service specialist would talk directly to the lighting servicers or field personnel. The vast majority of the time, when a light fails because of either a lamp or a photocontrol problem, the customer service specialist talks directly to a lighting servicer.

Like the outdoor lighting dispatchers, the customer service specialist dispatches loop crews during storms. During storms, the customer service specialist and the dispatchers give the work packages to the lighting servicers to maintain the loops.

The customer service specialist and senior outdoor lighting dispatcher (work leader) both backfill for each other during vacations and absences. The customer service specialist fills in for the senior outdoor lighting dispatcher about two or three times a month. There is no evidence that the customer service specialist exercises statutory supervisory authority on these occasions. The customer service specialist attends the same bi-monthly unit meetings as the other weekly employees in 39-02-03, including the lighting servicers, as well as the bi-monthly section meetings attended by all of the weekly employees in Section 39-02, including the lighting refurbisher. He also shares the same Results Incentive Award goals as the lighting servicers.

I conclude that the customer service representative in 39-02-03 shares a community of interest with production and maintenance employees, particularly with outdoor lighting dispatchers and lighting servicers, and should be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. The customer service representative has regular daily contact with the outdoor lighting dispatchers and lighting servicers, shares unit supervision with them, works the same day shift hours, reports to the same office location, and performs work that is functionally integrated with the dispatching work performed by the dispatchers and the maintenance work performed by the lighting servicers. Like the outdoor

lighting dispatchers, the customer service specialist is located on the first floor of Front Street and sits in the same staging area as the lighting servicers. Thus, the customer service specialist shares the common areas at Front Street with other unit employees, including the lighting servicers, outdoor lighting dispatchers and the lighting refurbisher. The customer service specialist, the outdoor lighting dispatchers and the lighting servicers have the same unit supervisor. When large customers need lighting maintenance performed, the customer service specialist creates a work package, including a work ticket and the appropriate drawings and maps, and gives it to the outdoor lighting dispatchers for dispatch to the lighting servicers. The customer service specialist communicates daily with the lighting servicers. This occurs in person when the servicers report to Front Street at the beginning and end of each day, and by radio during the day when the servicers report about the status of job, what problems were found, and what work will be done. The lighting servicers may also contact the customer service specialist during the day if they have questions about the maintenance work to be performed. The customer service representative works from 7:00 a.m. to 3:30 p.m., the same day shift hours as the outdoor lighting dispatchers and the lighting servicers. Like the outdoor lighting dispatchers, the customer service specialist dispatches loop restoration work to the lighting servicers during storms. The customer service specialist also shares the same Results Incentive Award goals as the lighting servicers. In these circumstances, I conclude that the customer service representative functions more like a plant clerical than an office clerical and shares a sufficient community of interest with outdoor lighting dispatchers and lighting servicers to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Senior Construction Inspector, 39-02-03

There is currently one senior construction inspector, Felix Carr, in pay grade 30 in 39-02-03. Mr. Carr reports to the first floor at Front Street. There were two senior construction inspectors as of the end of January 2000. Bob Vogel was the other senior construction inspector. Both Mr. Carr and Mr. Vogel were on loan from Capital Construction Section 39-10 to Outdoor Lighting Section 39-02.

The record reflects that in November 1999, sometime after the Petitioner filed its representation petition in this matter, Director of Capital Construction Master Section 39-10-01, James Gregory, contacted Director of Outdoor Lighting Section 39-02-01, Charles Lacey, Jr., to ask whether Lacey would mind if the job titles of Felix Carr and Bob Vogel were changed back to overhead mechanic and overhead crew leader, respectively, although Gregory indicated that both Carr and Vogel could continue to reside in Lacey's organization. Lacey testified that he had no problem with this suggestion and that he was aware that in April or May 2000, BGE would post both senior construction inspector positions and both Carr and Vogel could apply, if interested.

Mr. Carr's work history (Er. Exh. 259) classifies him as an overhead mechanic in 39-12-04. At the time of the hearing, he was being carried in Jim Gregory's organization in 39-10 as an overhead mechanic, but had been on loan to Outdoor Lighting as a temporary senior construction inspector to handle cable faults within the maintenance area since at least February 1999. Mr. Carr had been classified as a senior construction inspector ("T" for temporary), until November of 1999. In November 1999, his classification was changed to overhead mechanic pursuant to Mr. Gregory's request.

In November 1999, Mr. Vogel's classification was changed to overhead crew leader, but he also continued to serve as a senior construction inspector. Bob Vogel was thereafter promoted

into the special maintenance coordinator position. Therefore, at the time of the hearing, Mr. Carr was fulfilling the responsibilities of two senior construction inspectors in 39-02-03.

The record reflects that Mr. Carr is on loan as a temporary senior construction inspector to 39-02-03 until mid to late April 2000, when both senior construction inspector jobs will be posted. Then BGE expected that there would no longer be overhead mechanics or crew leaders on loan from 39-12 to 39-02-03. Instead, there will be employees holding the job classification of senior construction inspector in 39-02-03.

The senior construction inspectors spend more than 75 percent of their time in the field. Typically, they report to the office in the morning, perform a couple of tasks on the computer, and then go out to the field after the rush hour. They usually do not return to the office until the next morning. The senior construction inspector works overtime when necessary. While Mr. Lacey denied that the inspectors can authorize their own overtime, he acknowledged that the inspector simply tells his supervisor that the job warrants overtime and the overtime request is generally granted.

The senior construction inspectors in 39-02-03 inspect maintenance of Beltway lighting by contractor crews and assist in obtaining specific work permits that are required for obtaining lane closures on the Beltway. They also inspect outside contractors' group replacement of all lamps and fixtures every five years. They spot check the work performed by the contractors to make sure that BGE is obtaining the quality of work that it is paying for and that the work meets BGE's specifications and standards. Their judgment as to whether or not a contractor has performed in accordance with BGE's specifications is generally accepted by the company. The senior construction inspector approves contractor worksheets concerning units completed. The contractors are not paid until the senior construction inspector approves these worksheets.

The senior construction inspectors also inspect and monitor street light cable fault work that is performed by contractor crews outside the city. With regard to fault work outside of the city, the senior construction inspectors will take data from the cable tracking database, prioritize the work for the contractor crews, and then go out and follow up to make sure that the contractor crews are replacing a cable fault correctly. Since repairing cable often involves digging up customer lawns, the senior construction inspectors make sure that the contractors are restoring the lawn.

With respect to the maintenance of Beltway lighting, the senior construction inspectors serve a liaison function with State Highway Administration officials. In conjunction with State Highway officials, they will determine areas of the Beltway that are not meeting lighting standards and work with State Highway officials to obtain the necessary lane closures for lighting installation or replacement. They will ride along with State Highway officials once a month to check the percentage of lights that are functioning on the Beltway. They are present on the job site with the outside construction crews to ensure that they have all the necessary safety protection, signs and cones to perform maintenance on the Beltway.

The maintenance that needs to be performed with respect to Beltway lighting is primarily directed by State Highway officials. These officials give the senior construction inspectors a list of utility poles that need to be replaced and the senior construction inspectors coordinate the work that actually needs to be performed with the outside contractor crews.

The senior construction inspectors have overhead experience. The record reflects that this experience is helpful because if there is a problem with a call switch that turns a lot of lights on or off, they can hold the permits that are needed to enable the contractor to replace the call switch. Otherwise, they must wait for a service operator to come out and fix the call switch. A very minimal percentage of their work is spent with BGE crews on call switches. When Bob Vogel was a senior construction inspector, he was qualified to perform certain switching operations to enable outside contractors to make repairs on the call switch. He would spend only a few hours, about five times a year, performing this switching function.

The senior construction inspectors may work with service operators a few times a year, particularly when poles are hit by vehicles, to make sure that the base of the poles are safe. The vast majority of the work that the senior construction inspectors are responsible for, however, is with outside contractors, not BGE crews. The senior construction inspectors generally do not inspect work performed by BGE crews. The record established that if BGE did not contract out lighting services work, there would be no need for the senior construction inspector classification.

The senior construction inspectors have received the same training as overhead mechanics and overhead crew leaders. They must apply knowledge of distribution work practices and the same safety standards and practices that are used throughout the distribution system. They write up Contractor Evaluation Reports for Purchasing. The senior construction inspectors are used as patrollers or lead foreign crews during storm restoration efforts. The senior construction inspectors cover for each other during periods of vacation, absences or illnesses.

I conclude that the senior construction inspectors do not share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. The senior construction inspectors aggressively manage the day-to-day activities of contractor crews to make sure that BGE is getting what it is paying for. With regard to the Beltway work and group replacement and fault work, the senior construction inspector makes sure that the contractors are actually performing the work for which they are billing and that such work is being done in accordance with BGE standards. The contractors are not paid until the senior construction inspector approves their work, and BGE generally accepts the judgment of the senior construction inspector in this regard. The senior construction inspectors also work closely with State Highway officials, but seldom with BGE crews. The senior construction inspector does not inspect work done by BGE crews and spends a minimal amount of time with BGE crews. In Atlanta Gas Light Co., 158 NLRB 311, 312-13 (1966), the Board found that the inspectors lacked a sufficient community of interest with the utility's distribution and service employees because their duties pertained solely to work performed by contractor employees, they had virtually no contact with the utility's distribution and service employees, they worked the same hours as the contractor employees to assure inspection of projects as they progressed, and they could authorize their own overtime. In addition, the Board recognized that the inspectors had a community of interest closely aligned with managerial personnel because they could order correction to work being performed or stop a project entirely, and their approval was required for contractor compensation. I find these considerations to be controlling here. The senior construction inspectors work almost exclusively with contractor employees to monitor project progress, have minimal contact with production and maintenance employees, and take overtime as needed. Moreover, their judgment as to contractor compliance with BGE construction standards is generally accepted. In these circumstances, I shall exclude the senior construction inspectors in 39-02-03 from any of the units found appropriate herein. See also Browne and Buford, Engineers and Surveyors, 145 NLRB 765, 767

(1963) (inspectors responsible for overseeing contractors' work excluded from unit of field survey employees where contact with field survey employees was only incidental and sporadic).

Capital Construction Master Section, 39-10-01 – Director, James Gregory

This master section is responsible for performing and overseeing the construction of jobs within the New Business and Distribution Construction Department, including installation and relocation of electric facilities, both underground and overhead. This work includes putting electric facilities in for new residential subdivisions or business developments, or moving overhead electric lines and poles to accommodate road expansions. The master section is comprised of four units: the Construction Management Unit 39-10-02, the Contractor Construction (South) Unit 39-10-03, the Contractor Construction (North) Unit 39-10-04, and the Contractor Construction (Services) Unit 39-10-05. The master section also consists of two sections: the Distribution Construction (North) Section 39-11 and the Distribution Construction (South) Section 39-12. The Distribution Construction North and South Sections consist of a total of ten units. These units are discussed below.

Capital Construction Section Office (39-10-01)

Safety Specialist, 39-10-01 (formerly 37-03-04)

After the close of the hearing, the parties stipulated that this position was transferred from Unit 37-03-04 and that the safety specialist continues to perform the same duties as in the former unit and as was presented in the hearing. BGE would include the safety specialists in the BGE-wide production and maintenance unit. The Petitioner would exclude them.

The safety specialists are in pay grade 30. They are matrixed throughout the five departments in the ETDD to provide safety-related functions to field and office personnel. They are all supervised by unit supervisor, Richard Evans. The safety specialists sit on the divisional safety steering team that meets monthly for half a day and has responsibility for overseeing safety practices throughout the entire division.

The safety specialists administer safety programs, provide safety audits, assist in the investigation of accidents, and maintain safety-related statistics for the various organizations for which they are responsible. Safety specialist, Dave Eader, is responsible for New Business and Distribution Construction Department 39. Safety specialist, Bob Tutin is responsible for the Substation and System Protection Department 38. Safety specialist, Roger Brown is responsible for a portion of the Transmission and Distribution Operations and Maintenance Department 36. Safety specialist, Ron Sappington, is responsible for Electric System Operation and Planning Department 37, Business and Interconnection Management Department 33, and a small portion of the Transmission and Distribution Operations and Maintenance Department 36, specifically 36-01-01 and 36-04-01.

The safety specialists visit job sites and conduct safety audits to make sure that the construction crews in Departments 36, 38 and 39 are following safe work practices and wearing all of the required personal protective equipment. They are required to wear the same protective equipment that the construction crews are wearing. They observe crews performing tasks to make sure that they are following safe work practices. The safety specialists observe, but do not perform production and maintenance tasks. The safety specialists complete anonymous forms that document positive and negative observations. They provide feedback to the construction crews about the results of the audit. The safety specialists have authority to stop the job. If there are severe, flagrant violations of a safety practice or repetitious safety transgressions, then

supervision is informed. The safety specialists also perform office safety audits in departments 37 and 33 at the Rutherford Business Complex.

The safety specialists must be very knowledgeable about the tasks that are being performed. They need to know the appropriate work practices that apply to the job. They need to have familiarity with tools and equipment used by field personnel. They are each assigned to a company vehicle. They have radios in the cars and cell phones. They attend safety-related conferences like the Maryland-DC Utilities Conference held twice a year.

The record testimony established that the Employer expects that the safety specialist should spend about 80 percent of their time in the field visiting construction sites and substations. The record testimony established that that did not happen during the latter part of 1999 because of other assignments involving safety-related and OSHA-related training in service center safety meetings. In late 1999, the safety specialists were heavily involved in OSHA-required training for fork lift operators at the service centers. They also provided departmental safety training concerning CPR and first aid, fire extinguishers, blood borne pathogens and right to know training. As part of their safety presentations in service center meetings, they review accidents and near-misses.

The safety specialists participate in the review of near-misses. When investigating accidents, the safety specialists take pictures, measurements or dimensions. They also interview witnesses. When there is an accident, an accident report form has to be filled out. The safety specialist will make sure that the proper information is documented on the report form. The photographs, measurements and report done by the safety specialists may be used in legal action such as a worker's compensation proceeding.

The safety specialists maintain accident statistics that pertain to preventable motor vehicle accidents and OSHA-reportable injuries for each of the departments. They also maintain a spread sheet that itemizes each injury and discusses who was involved, the extent of the injury and how it occurred. The departmental statistics are published and sent to supervision. The division statistics are published and sent out to the managers and the vice president.

The safety specialists participate in the review and evaluation of tools, construction equipment and vehicles. They must be certified CPR and First Aid instructors. They have attended training sessions throughout the state of Maryland to obtain certification for work area protection and flagger training. They train field personnel concerning how to correctly flag traffic when construction is occurring on job sites

During storm restoration activities, the safety specialists visit job sites to ensure that storm restoration work is being performed safely. The safety specialists participate in the RIA program. At the time of the hearing, they had a local goal that related to ladder safety audits and completion of the fork lift training program for the field forces.

I conclude that the safety specialists in 39-10-01 (formerly 37-03-04) do not share a sufficient community of interest with employees in any of the units found appropriate herein. In Power, Inc., 311 NLRB 599, 608 (1993), the Board held that a safety director whose duties were akin to those of the safety specialists here, did not share a sufficient community of interest with production employees to be included in the bargaining unit. Similarly, I shall exclude the safety specialists from the BGE-wide production and maintenance unit. The safety specialists have skills and duties distinct from those of unit employees, work under different conditions and have

separate supervision. Unlike the inspectors included in the production and maintenance unit in Louisiana Gas Service Co., 126 NLRB 147, 150 (1960), who shared supervision and worked closely with the crews, the safety specialists in this case are more aloof and perform more of an oversight function. In addition, because their responsibilities include reporting on safe work practices, assisting supervisors with corrective action reports, and protecting BGE's interests in documenting accident causation, I find that their interests at times may be directly at odds with those of production and maintenance or technical employees. In these circumstances, I shall exclude the safety specialists in 39-10-01 (formerly 37-03-04) from any of the units found appropriate herein.

Construction Management Unit, 39-10-02 – Supervisor, Michael Lesavage

This unit provides overall support for the construction forces, including coordinating job packages, assisting with the construction process, and other functions. The parties are in dispute as to the placement of three weekly job classifications in 39-10-02: new business and distribution construction technician, field support assistant, and construction management systems administrator. BGE contends that all three of these job classifications should vote in the BGE-wide production and maintenance unit. The Petitioner contends that the new business and distribution construction technician should vote in the petitioned-for technical unit limited to the ETDD, and that the other two positions should be excluded from any appropriate unit.

***New Business Distribution Construction Technician
(formerly Construction Technician), 39-10-02***

The new business and distribution construction technician is in pay grade 31. He works in a typical office environment at the Dorsey complex, in a building where no construction crews report. He works flex time.

A basic qualification for the new business and distribution construction technician position is ten or more years of distribution design and/or construction experience or equivalent combination of education/training and experience. Er. Exh. 4, #435D. Director Gregory described the new business and distribution construction technician as someone with experience in the field, who understands department processes and procedures, standards, safety rules, and how work is done, and uses that knowledge in the office to refine the processes and procedures for completing work. The new business and distribution construction technician develops plans for upgrading procedures and ensures that when policies or practices change, they are integrated into the recordkeeping systems. He also helps develop procedures for analyzing information collected by department personnel. When doing so, he works with monthly employees such as the construction management systems administrator, the construction management analyst, and the senior engineer. The new business and distribution construction technician also trains the employees who utilize the new recordkeeping procedures.

The new business and distribution construction technician also is involved with the special bidding process for project-type jobs. Under a special bid project, the contractor is given a job print explaining the work to be done, and then submits a bid to perform the work on that particular job. As set forth in the applicable job description, the new business and distribution construction technician reviews engineering drawings, formulates the scope of work, makes decisions about how the work will be divided between contractors and company crews, prepares contract documents and is actively involved in the bidding process for projects that are generated by the Design and Engineering and Strategic Customer Engineering Sections. See Er. Exh. 4,

#435D. When making the scope of work determinations, he performs various functions that focus on coordinating the work of the various construction crews that install new electric or gas facilities. When coordinating the various aspects of the job up-front, the new business and distribution construction technician may confer with underground or overhead crew leaders, meter inspectors, and supervisors in gas maintenance. He may also visit the jobsite before soliciting bids. The new business and distribution construction technician spends only a small portion of his time in the field, usually observing site conditions in connection with formulating the bid package. He spends about 25% of his time training other employees, and the remainder of his time either in his office or at meetings in other offices.

I conclude that the new business and distribution construction technician is a technical employee who should be included in the BGE-wide technical unit found appropriate herein. Like other technical employees that I have included in this unit, the new business and distribution construction technician is in pay grade 31 and only one weekly employee is paid more. The new business and distribution construction technician must have ten or more years of distribution design and/or construction experience or the equivalent combination of education/training and experience. The record established that his work in the special bidding process and in developing information processing systems requires the use of independent judgment that taps his considerable work experience. In these circumstances, I find that the new business and distribution construction technician is a technical employee. Waldorf, 122 NLRB at 806 (employees are technicians where they must possess a great deal of intelligence, ability to learn, and background experience in circuitry, despite the absence of any particular educational requirement); Allis-Chalmers, 128 NLRB at 89 (designers and drafters are technical employees even without any formal educational requirement).

Even if it is determined that the new business and distribution construction technician is not a technical employee, I conclude that the nature of his work, the level of his experience, his pay grade and benefits, his working conditions, and his use of independent judgment to upgrade procedures, policies and practices, warrant the conclusion that he shares a sufficient community of interest with other technical employees to be included in the BGE-wide technical unit found appropriate in 5-RC-14908. Brown & Root-Northrop, supra, 174 NLRB at 1006. The knowledge that the new business and distribution construction technician applies has been gained through years of experience and on-the-job training. Like other technical employees throughout BGE, he is in pay grade 31, receives the same benefits, and works predominately in an office setting where no construction personnel report. Like other technical employees throughout BGE, he has completely different job responsibilities from production and maintenance that require the use of technical skills. Like other technical design personnel throughout BGE, the new business and distribution construction technician reviews engineering drawings and formulates the scope of work. There is no evidence that he performs any production and maintenance work in connection with his job. Rather, he spends a great deal of time training the various crews concerning technical changes in procedures. His contact with construction forces is primarily with supervisors. In these circumstances, I shall exclude the new business and distribution construction technician in 39-10-02 from the BGE-wide production and maintenance unit and include this classification in the BGE-wide technical unit found appropriate in 5-RC-14908.

Construction Management Systems Administrator (formerly Principal Administrative Assistant), 39-10-02

The Construction Management Systems Administrator, Kathy Boss, is a computer specialist in pay grade 29. She was formerly called a principal administrative assistant, but her title was changed in late 1999. She works flex time, in an office in the Dorsey building. She shares unit supervision with the new business and distribution construction technician, the senior engineer and the construction management analyst. The primary function of the construction management systems administrator is to maintain and improve the computer and recordkeeping systems used to support the construction function within 39-10. She is responsible for maintaining and improving the various computer systems used for operating Department 39. The construction management systems administrator works with the new business and distribution construction technician in the same unit to coordinate and streamline the time entry recordkeeping system used by the overhead and meter crews in 39-11 and 39-12 and by the contractor crews. Like the new business and distribution construction technician, the construction management systems administrator trains the overhead and meter crews in some of these recordkeeping functions. She assists the new business and distribution construction technician to implement new procedures. She also performs complex data analysis using different software systems. The construction management systems administrator shares the same Results Incentive Award goals with the overhead crew leaders, overhead mechanics, meter crew leaders, and meter mechanics in 39-10.

Assuming arguendo that the construction management systems administrator is not a technical employee, I conclude that she shares a sufficient community of interest with the new business and distribution construction technician, whom I have found to be a technical employee, to be included in the BGE-wide technical unit found appropriate herein. The nature of her work, maintaining and improving computer and recordkeeping systems, is technical in nature and requires technical skills and specialized knowledge that is separate and distinct from that possessed by production and maintenance employees and that is akin to that possessed by technical employees such as the computer operator in Department 77 of the General Services Division. She work closely with the new business and distribution construction technician to coordinate, streamline and implement new procedures and to train production and maintenance employees in these procedures based on specialized knowledge. The construction management systems administrator shares supervision with the new business and distribution construction technician, and like other technical employees throughout BGE, works in an office environment with professional employees to perform complex data analysis using different software systems. In these circumstances, I shall include the construction management systems administrator in the BGE-wide technical unit found appropriate in 5-RC-14908.

Field Support Assistant, 39-10-02

Field Support Assistant, formerly Senior Administrative Assistant in 37-05-04

As noted in 37-05-04, the parties stipulated that senior administrative assistant, Nancy C. Thomas-Bauer, in former 37-05-04, was transferred to a field support assistant position in Unit 39-10-02.

The field support assistants in 39-10-02 are in pay grade 26 in work groups 2 and 3. They are the only classification supervised by the distribution construction planner - work leader. They handle general administrative duties in the unit, assemble job folders, enter information into

the WMS, maintain files, order materials, call Miss Utility, and make sure that data is collected and entered into the corporate systems so that meters are read and customers are charged. They work exclusively in the Dorsey building, in a typical office environment. They generally work flex time. The record reflects that the field support assistants regularly receive requests, either in person, by phone or in writing, from various construction crews to order materials or services, such as traffic flaggers. They also receive requests from meter and installation crew members to call Miss Utility to obtain clearance for underground work. Otherwise, their contacts are with service planners from the design and engineering units, outside vendors, supply personnel in other organizational units, and other employees in their office.

Based on the foregoing, I conclude that the field support assistants in 39-10-02, including Nancy Thomas-Bauer, are office clerical employees who should be excluded from any of the units found appropriate herein. They have different skills and functions than unit employees. They work exclusively in an office setting in an area separate and apart from production and maintenance employees. They perform routine clerical duties such as ordering supplies, assembling job folders, maintaining files, and inputting data into computer systems. They have minimal work-related face-to-face interaction with unit employees and have separate supervision from unit employees. The fact that they handle work packages that are also used by construction crews in the field does not convert them into plant clericals. Cooper Hand Tools, 328 NLRB No. 21, slip op. at 4 (1999); Weldun, Inc., 321 NLRB 733, 735 (1996); Continuous Curve Contact Lenses, 236 NLRB 1330, 1332 n.6 (1978); Nuturn Corp., 235 NLRB 1139 (1978). Accordingly, I shall exclude the field support assistants in 39-10-02 from any of the units found appropriate herein. Mitchellace, Inc., 314 NLRB 536 (1994); Cook Composites & Polymers Co., 313 NLRB 1105 (1994); Brown & Root-Northrop, 174 NLRB at 1006.

**Contractor Construction (South), 39-10-03 – Supervisor, William Willie, Jr.
Contractor Construction (North), 39-10-04 – Supervisor, Joseph O'Connor
Contractor Construction (Services), 39-10-05 – Supervisor, Richard Connor**

Units 39-10-03 and 04 are responsible for overseeing, coordinating, and inspecting the work done by various contractors as part of the installation of new electric and gas facilities. This work primarily is performed by underground residential distribution (URD) contractors, who lay cable underground for new developments. The two units divide this work geographically. The work performed by Units 39-10-03 and 39-10-04 is identical, but is split geographically. Unit 39-10-05 performs essentially the same functions as 39-10-03 and 39-10-04, except it oversees and coordinates the work of contractors, who are installing new or expanded electric and gas facilities that provide service from the primary electric cable or gas mains to the individual residences or businesses. Unit 39-10-05 also oversees contractors that perform street light cable fault and repair work outside of the City of Baltimore.

The parties are in dispute as to the placement of the senior construction inspector in all three units and the distribution construction planners in 39-10-05. BGE contends that both of these job classifications should vote in the BGE-wide production and maintenance unit. The Petitioner would exclude these classifications from any appropriate units.

Senior Construction Inspector, 39-10-03, -04, and 05

The senior construction inspectors are in pay grade 30 and share unit supervision with field coordinators, who are excluded monthly employees. They report to work at service centers where distribution construction overhead crews and meter and installation crews also report to work and share common areas.

As noted above, in new residential or business developments, contractor crews typically lay the primary electric cables and gas mains that supply the development and connect the secondary service cables that run to each individual house or business. BGE overhead or underground lines crews typically cut in the dead electric cables with live overhead lines or underground cable, depending on the applicable distribution system. Similarly, BGE gas crew leaders and mechanics in Department M3 cut in the gas mains for the BGE system.

The senior construction inspectors in 39-10 primarily oversee work done by contractor crews. The senior construction inspectors order cable and other materials needed by the contractor crews. They are responsible for ensuring that jobs performed by outside contractors are built as designed and in accordance with BGE construction and safety standards and that such jobs are correctly billed to BGE. Each of the senior construction inspectors is responsible for about four crews that are working on between six and twelve different jobs at a time. Before a job begins, the senior construction inspector walks the job with the contractor, and sometimes with the customer, to review the scope of the work and to make sure that the contractor understands BGE's and the customer's expectations. They visit job sites while work is in various stages of progress and sometimes directly supervise the contractors, such as when they perform simple cut in procedures. The senior construction inspectors are always on-site when the contractors perform a cut-in and may, on occasion, do the cut-in themselves. The inspectors will also do splicing on occasion, but more often they manage the contractors who are do the splicing. The senior construction inspectors have the authority to approve overtime for the contractors, to determine whether their work conforms to BGE specifications, and to direct contractors to redo work deemed inadequate. They approve contractors' time sheets so they can be paid. They also have authority to recommend that a project be shut down completely. Their recommendations that are generally accepted.

To manage the contractors' work, the inspectors must coordinate with BGE crews responsible for other aspects of a particular project. Depending on the nature of the work, they interact either in person, or by phone, radio, e-mail, or WMS with service operators from Department 36, with pressure control and senior gas distribution technicians in M1-03-02, with underground or overhead crew leaders, and with Meter and Installation unit crews. The senior construction inspectors, however, do not assign work to anyone other than the contractor crews.

The senior construction inspectors communicate daily with the overhead crew leaders and overhead mechanics in 39-11 and 39-12, the underground splicing crew leaders and cable splicers in 36-06, and the gas crews in M3 to discuss the progress of the work, what is necessary to energize the job, and to coordinate the timing of the cut in. These communications occur both in person at the service centers and job sites, and via telephone or radio. The senior construction inspectors also have the same type of regular contact with the meter crew leaders and meter mechanics in 39-11 and 39-12 because much of the new construction work requires that these crews perform meter installations at commercial or industrial facilities. Likewise, the senior construction inspectors have to coordinate with service operators from the Distribution Line

Operations and Maintenance Section so that energized equipment can be switched and taken out of service so that work can be done.

All of the senior construction inspectors were either overhead crew leaders or mechanics or UG crew leaders or mechanics. This background and knowledge is necessary so that the senior construction inspectors can properly oversee the work of contractor crews. In addition, the record reflects that when senior construction inspectors are needed, overhead crew leaders or mechanics fill in on a temporary basis. At the time of the hearing, four overhead mechanics from 39-11 or 39-12 were working in temporary status and performing the same work as senior construction inspectors. The senior construction inspectors, however, do not similarly fill in for the overhead mechanics or crew leaders.

The senior construction inspectors have essentially the same certifications and training as the overhead, underground, and meter crew leaders and mechanics, and attend training sessions with these classifications. Unlike construction personnel, however, they are not required to keep their certifications current. As noted, however, the senior construction inspectors still occasionally perform hands-on work in the field, including cut-in work, splicing, and switching equipment into or out of service so that work can be performed. When performing this field work, the senior construction inspectors use the same tools and equipment, such as hot sticks and fire retardant clothing, as the overhead crews use.

The senior construction inspectors spend approximately 75% of their time in the field at job sites. They attend the same monthly information and safety meetings at the service centers that the overhead and meter and installation crews attend. They also share the same Results Incentive Award goals as these crews.

I conclude that the senior construction inspectors share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. Although they primarily oversee the work of contractor crews, they must regularly coordinate with BGE crews responsible for other aspects of a functionally integrated project. They communicate regularly with the overhead and underground crews, gas crews, and service operators to discuss the progress of production and maintenance work or to coordinate the timing of cut ins or switching operations so that energized equipment can be taken out of service. All of the senior construction inspectors were either overhead crew leaders or mechanics or UG crew leaders or mechanics. In fact, when senior construction inspectors are needed, overhead crew leaders or mechanics fill in on a temporary basis. The senior construction inspectors have the same certifications and training as the overhead, underground, and meter crew leaders and mechanics, and attend training sessions with them. Like construction crews, they spend 75% of their time in the field at job sites. They also perform hands-on work in the field, when necessary, including cut-in work, splicing work and switching operations. When doing so, they use the same tools and equipment as unit employees. They share the same RIA goals as unit employees at their service centers. In these circumstances, I conclude that the senior construction inspectors in 39-10-03, 04 and 05 share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Distribution Construction Planner, 39-10-05

The distribution construction planners are in pay grade 29. They share unit supervision with the senior construction inspectors in 39-10-05. They spend over 90% of their time in a typical office environment at the Dorsey complex. They work in the same building as the new business distribution construction technician. As noted, construction personnel report to work in this building.

The distribution construction planners are responsible for scheduling the electric and gas service installation work for residential and commercial/industrial customers. This work is performed by contractors. They assist in the administrative process of distributing work to contractors and ensure that the paperwork is returned in proper form. They also assist the senior construction inspectors with resource or equipment issues that arise with respect to service installations. They receive job packages for new service from the Customer Communication and Support Unit 39-01-02. When a service job is released by the Customer Communication and Support Unit 39-01-02, they review the package for completeness, and contact the contractor to schedule the work, consistent with the automated WMS. For jobs that require special consideration, a service planner will contact the distribution construction planner to prioritize the work. The distribution construction planners interact regularly with the field support assistants in 39-11 and 39-12 to schedule work and also with the senior construction inspectors to monitor the progress of service work and to coordinate regarding resource or equipment issues. For example, the distribution construction planner may have to deploy BGE personnel, in addition to contractor crews, to install the new service. They consult with the senior construction inspectors and their supervisors to decide whether the job requires involvement by underground or meter and installation crews. In arranging for the involvement of these crews, the distribution construction planners primarily deal with supervisors or field support assistants. They have only limited contact with actual BGE crews. The distribution construction planners share the same RIA goals as the overhead crew leaders, overhead mechanics, meter crew leaders, and meter mechanics in 39-10.

I conclude that the distribution construction planners do not share a sufficient community of interest with employees in any of the units found appropriate herein. They have different skills and functions than production and maintenance or technical employees. They work in a typical office environment performing routine administrative-type duties to make sure that contractor work is scheduled and properly distributed. They have minimal interaction with unit employees, do not interchange with them, and do not perform any unit work or any substantial functions that are integrated with unit work. In these circumstances, I shall exclude the distribution construction planners from any of the units found appropriate herein.

**Distribution Construction (North) Section, 39-11-01 – General Supervisor,
Edward Lake**

**Distribution Construction (South) Section, 39-12-01 – General Supervisor,
David Dieter**

General Supervisor, Edward Lake testified concerning a recent reorganization in the Distribution Construction (North) Section 39-11-01. In January 2000, the Meter & Installation Units in 39-11-02 and 39-11-03 were reorganized and combined into a single unit, 39-11-03, supervised by Thomas Palmisano. There are no longer any overhead mechanics in 39-11-03.

The overhead mechanics in 39-11-03 (Tom Green and Les Adelsberger) had served as inspectors for contractor crews performing meter and installation work, but at the time of the hearing, they were on loan to 39-12-04, where they performed the same function. A new Underground Residential Distribution (URD) Construction Unit, 39-11-07, supervised by Larry Burley was created as a result of the January 2000 reorganization.

Generally, the Retail Services Division handles residential metering and minor maintenance associated with single-phase metering for existing installations. The Retail Services Division does not handle brand-new installations or new business construction work. The Distribution Construction Sections in 39-11 (North) and 39-12 (South) handle new business installation and construction work, particularly complex installations, such as three-phase metering for industrial or commercial customers. These sections are split geographically, but both perform the same functions and have similar organizational structures. Both sections have three distribution construction units 39-11-04 through 06 and 39-12-03 through 05. These units perform overhead construction of new or expanded electric service and are made up of overhead crew leaders and overhead mechanics. In addition, each section has one meter and installation unit that performs installation and maintenance work concerning three-phase meters that monitor electric consumption primarily for commercial and industrial customers. These units 39-11-03 and 39-12-02 consist of meter crew leaders, meter mechanics, meter inspectors, and field support assistants. Each of the distribution construction sections also has field support assistants who support the overhead construction crews. There are also two equipment operators, who report directly to the general supervisor in 39-11-01. The equipment operators provide assistance to both sections such as delivering large materials or moving poles. In addition, Section 39-11 recently created a new Underground Residential Distribution (URD) construction unit that performs underground residential distribution installation of electric and gas facilities.

The parties agree that the following job classifications within 39-11 and 39-12 belong in a production and maintenance unit: equipment operators, meter crew leaders, meter mechanics, overhead crew leaders, overhead mechanics (except those in 39-12-04), URD mechanics, URD mechanics B, and distribution construction trainees. The parties are in dispute, however, as to the placement of the field support assistants, meter inspectors, and two of the overhead mechanics in 39-12-04, Tom Green and Leslie Adelsberger, who currently are performing work as inspectors of meter work performed by contractor crews. BGE contends that all of these classifications should vote in the BGE-wide production and maintenance unit. The Petitioner contends that the meter inspectors should vote in the petitioned-for technical unit limited to ETDD and the other classifications, including the two overhead mechanics in 39-12-04, should be excluded from any units found appropriate herein.

Field Support Assistant, 39-11-01
Field Support Assistant, 39-12-01
[Field Support Assistant, 39-12-01 (formerly 36-23-01)]

As noted above when discussing 36-23-01, the parties stipulated that the field support assistant in 36-23-01 was transferred to the Distribution Construction Section Office (39-12-01) and perform the same duties as the other Field Support Assistant in this unit discussed below. The field support assistant in 39-12-01 (formerly 36-23-01) was discussed infra at 36-23-01.

The field support assistants in 39-11-01 and 39-12-01 are in pay grade 26. Unlike the field support assistants in 39-11-03 and 39-12-02, discussed below, the field support assistants in 39-11-01 (Perry Hall) and 39-12-01 (Piney Orchard) are directly supervised by the General

Supervisors at these service centers and are engaged in supporting all the overhead units in Distribution Construction North and South, respectively.²⁷ The field support assistants in 39-11-01 are located in the Perry Hall Service Center, next to the overhead crews in 39-11-04 through 06, and share the common facilities at the center with those crews. Likewise, the field support assistants in 39-12-01 are located at the Piney Orchard Service Center and sit alongside overhead crews from 39-12-04 and 39-12-05. The field support assistants attend the monthly safety and informational meetings at the service centers with these overhead crews. The field support assistants in 39-11-01 share supervision from the General Supervisor with the equipment operators.

The field support assistants in 39-11-01 and 39-12-01 provide support for the overhead construction crews within Sections 39-11 and 39-12. The field support assistants in 39-11-01 also provide support for the new URD Construction Unit 39-11-07. They review the job packets and drawings for new electric facility installations that the construction crews will build, order materials for those jobs, and then refer job assignments to the supervisors. The field support assistants prepare reports for the supervisors concerning unit job assignments. Unlike the field support assistants in 39-11-03 and 39-12-02, who make regular job assignments, the field support assistants in 39-11-02 and 39-12-01 refer job assignments to the supervisors, who handle the day-to-day scheduling. The General Supervisor sits down with the field support assistants, usually on a weekly basis, to examine the workload and to make job assignments. The field support assistants support the field operations with respect to the processing and assignment of jobs. For example, the field support assistants in 39-11-01 schedule the two equipment operators for the General Supervisor. They determine which jobs the equipment operators should be used on based on the needs that are communicated from the overhead crew leaders, such as the need for pole installations or the delivery of materials to job sites.

They handle all the radio and phone communication with the field crews and order materials for them. They process paperwork associated with job jackets, including material requirements for field jobs. They pull out construction drawings to determine what major items of material need to be ordered in advance, such as large transformers, switch gears and URD environmental poles. Then they turn the job packets over to the Construction Unit that will be working the construction job and wait for the overhead crew leader to give material requirements back to them. They have occasion to visit job sites with regard to material ordering. They call Miss Utility on behalf of field crews to confirm facility locations. They communicate information from Miss Utility back to field crews. They coordinate contract flaggers from temporary agencies and introduce contract flaggers to overhead crew leaders. They interact face-to-face in the morning and afternoon with overhead crew leaders at their respective service centers and by radio or phone throughout the day. Usually, they communicate with the overhead crew leaders and mechanics in person each morning and then by telephone and radio throughout the day, concerning material needs, resource needs, the need to call Miss Utility so that digging work can commence, and other issues that arise concerning the jobs. The field support assistants share the same Results Incentive Award goals with the overhead crews in Sections 39-11 and -12.

I conclude that the field support assistants in 39-11-01 and 39-12-01, like the field support assistant in 39-12-01 (formerly 36-23-01), share a sufficient community of interest with

²⁷The parties stipulated that the field support assistants in units 39-11-01, 39-11-03, 39-12-01, and 39-12-02, never held the position of meter crew leader, meter mechanic, meter mechanic trainee, overhead crew leader, overhead mechanic, URD crew leader, URD mechanic, URD mechanic B or distribution construction trainee.

production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate herein. The field support assistants perform work that is functionally integrated with job assignments for production and maintenance employees. They handle all the radio and phone communication with the field crews and order materials for them after reviewing construction drawings. They report to the same service center location as overhead crews. They communicate daily with the overhead crew leaders and mechanics, usually in person in the morning and by telephone or radio during the day. They discuss numerous issues related to production and maintenance work. They share the same Results Incentive Award goals as the overhead crews. They share common direct supervision with the equipment operators, who are undisputed production and maintenance employees. In addition, they are responsible for scheduling the work of the equipment operators to support the work of the overhead construction crews and they communicate with the overhead crew leaders regarding the need for equipment operator support. In these circumstances, I conclude that the field support assistants in 39-11-01 and 39-12-01 are more akin to plant clerical employees than office clerical employees. In any event, I find that they share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Meter & Installation Unit, 39-11-03 – Supervisor, Thomas Palmisano
Meter & Installation Unit, 39-12-02 – Supervisor, William Phipps

Field Support Assistant, 39-11-03
Field Support Assistant, formerly Senior Administrative Assistant in 37-05-04
Field Support Assistant, 39-12-02

As noted in 37-05-04, the parties stipulated that senior administrative assistant, Arlene E. White, in former 37-05-04, was transferred to a field support assistant position in Unit 39-11-03.

The field support assistants in 39-11-03 (Perry Hall) and 39-12-02 (Piney Orchard) are in pay grade 26. The field support assistants share common supervision at the Section level with the meter crew leaders and meter mechanics. They sit next to the meter crews in the service centers. They share the common areas in the service centers (parking areas, restrooms) with the meter crews. They perform essentially the same functions in both units. They spend 90-95 percent of their time in the office. They receive phone calls from the Customer Call Center that triggers the need to schedule jobs.

They handle the overall dispatch function and schedule work for meter crew leaders and meter mechanics based on resource availability, customer requirements, and vacation schedules. They match up the work that is required with resource availability. They utilize information in the inspection report from the meter inspectors to better understand the time commitments needed for crews to perform various jobs. They spend a great deal of time scheduling and communicating with crews and discuss scheduling issues with the meter inspector. They print out field ticket assignments and other paperwork from the work management system and give them to the meter crew leaders or leave this material in slot bins for the meter crew leaders. They also perform traditional dispatch functions during the day by calling the crew by radio or cell phone to dispatch them to different job locations. During the day, there are fairly regular conversations between the field support assistants and the meter crew leaders and meter inspectors about the copious paperwork that is associated with meter work. They order materials for the meter crews in the field through either paper-generated orders or computer-generated orders in WMS. They make arrangements with the warehouse to have materials delivered to the

job site for the meter crews, particularly during emergencies. The record testimony established that the applicable job description (Er. Exh. 4, #325B) is accurate.

The field support assistants were construction clerks in Unit 39-03-15, 16 and 17 in 1996. See Er. Exh. 9C, p. 5-29. The Regional Director found them to be plant clericals who shared a sufficient community of interest to be included in the system-wide production and maintenance unit found appropriate in 5-RC-14351. The record established that the field support assistants currently perform the same functions that the construction clerks performed in 1996. The record further established that BGE does not have any meter installer trainees and that none of the construction clerks in 1996 moved into a meter installer trainee position. The field support assistants receive the same safety training as the field crews in the Meter Installation Units.

The field support assistants attend the same monthly safety and informational meetings at the service centers with the meter crews and overhead crews located there. When they attend monthly meetings, they rotate phone duty. The field support assistants, like the meter inspectors, share the same Results Incentive Award goals with the meter crews in Units 39-11-03 and 39-12-02.

I conclude that the field support assistants in 39-11-03 and 39-12-02, including the former senior administrative assistant in 37-05-04, who transferred to a field support assistant position in 39-11-03, share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. The field support assistants perform work that is functionally integrated with job assignments for production and maintenance employees. They review the meter job tickets and the meter inspector's report concerning the job, determine how much time the job will take, and then schedule the work for the meter crews, taking into account available manpower and resources. They give the job packets to the meter crew leaders. This usually occurs in person because the field support assistants sit next to the meter crews at the service centers. The field support assistants also order materials to be used at the job sites, check the availability of these materials and arrange for their delivery. They have regular daily communication with the meter crew leaders and meter mechanics throughout the day. When the crews report to the service centers in the morning, the field support assistants give the crews the relevant work packages for the day and discuss issues such as particular time commitments and material availability. During the day, the field support assistants communicate with the meter crews by cell phone or radio concerning schedule changes, emergencies, the need to order materials, or other job issues that arise. They share common supervision from the General Supervisor with the meter crews and they share the same RIA goals with the meter crews. In these circumstances, I conclude that the field support assistants in 39-11-03 and 39-12-02 are more akin to plant clerical employees than office clerical employees. In any event, I find that they share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Meter Inspector, 39-11-03
Meter Inspector, 39-12-02

In January 2000, when the Meter & Installation Units in 39-11-02 and 39-11-03 were reorganized and combined into a single unit, the meter inspectors in 39-11-02 were moved into 39-11-03. The meter inspectors in 39-11-03 and 39-12-02 perform the same functions, but within different geographic boundaries. The meter inspectors are in pay grade 30.

The meter inspectors sit next to the meter crews in the service centers: two of the meter inspectors in 39-11-03 report to the Front Street Service Center and one reports to the Perry Hall Service Center. Within 39-12-02, one inspector reports to the Piney Orchard Service Center and the other to the Howard Service Center. The meter inspectors and meter crews report to these sites in the morning and again at the end of the day and regularly discuss the meter installation jobs. The meter crews and meter inspectors also communicate during the day by telephone and radio regarding the jobs and any issues that arise. The meter inspectors work from 7 a.m. to 3:30 p.m., with no flex time. They work the same base schedule as the meter crews.

The record established that a general inspection function is expected to be performed by all field crew classifications throughout the ETDD such as overhead crew leaders, overhead mechanics, underground crew leaders, and cable splicers. Thus, as a regular part of their job, overhead crew leaders and mechanics, splicing crew leaders and cable splicers, and meter crew leaders perform an inspection function similar to that of the meter inspectors. Because the meter installation area, however, involves a lot of fast-paced jobs with little advance notice, there is a need for an inspector classification in this area.

The meter inspectors have performed meter installation work. Their construction expertise is utilized to lend assistance primarily with regard to three-phase installations by company meter and installation crews. The meter inspectors sometimes relieve meter crew leaders and perform the crew leader function. The meter inspectors are also involved in some residential work where there are no load increases.

Typically, the Customer Call Center at Dorsey routes new meter installation work to meter inspectors. The meter inspector then lays out a schedule to visit customer job sites. There is a lot of customer interface when meters are installed on the customer's property. The meter inspectors interface and obtain agreements with electric contractors hired by industrial and commercial customers. The meter inspectors typically visit the job site in advance of construction. They routinely meet at that job site with customers or with customers' electricians and with design and engineering personnel or service planners in 39-01-03, 04 and 05 and 39-00-02, who are responsible for the actual layout of the construction. At these job site meetings, the meter inspectors lend their expertise to explain how design standards can be practically applied. For example, after the designer has laid out what he wants to do and the customer's electrician has indicated what he wants to do, the meter inspector's job is to use his field experience and judgment to make all the connections work. Usually, the meter inspector, designer and customer's electrician exhaust alternatives before turning the job down.

As noted above, designing and engineering personnel in 39-01-01 and 39-00-02 also interface with customers concerning meter installation. Similarly, overhead and underground construction crews also interface with customers at job sites, although not usually at the same time that the meter inspector is present. When construction crews and meter inspectors are present at a customers job site at the same time, they basically discuss coordination issues so that crews installing meters and crews installing overhead or underground facilities do not bump into each other.

After an initial site visit, the meter inspector completes an inspection report or ticket concerning the kind of installation at issue, special material requirements, special access conditions, and anything that might be helpful to performance of the job. The meter inspector makes sure that the job conforms with BGE standards. If need be, the meter inspector would make a rough sketch on the report to show where certain wirings or meters should be placed. The

meter inspector also writes out instructions concerning how the installation should be done. The inspection report is eventually packaged by field support assistants and sent to meter crew leaders and mechanics via the WMS system. There are regular communications between the meter inspectors and the meter crew leaders concerning what is in the inspection reports or the agreements with the electrical contractors. These discussions occur in the office in the morning, or over the phone during the day. The meter inspectors normally perform some paperwork in the morning and late afternoon at their desks at the service centers. During those morning and afternoon periods, they interface with meter crew leaders and meter mechanics.

The meter inspectors are involved in material procurement and utilize their construction expertise to determine material requirements. In some cases, they prepare paperwork to order materials. In other cases, they make field support assistants aware of material requirements that need to be ordered. They are familiar with the material on hand at local storerooms in the service centers.

They spend the majority of their time (75-80 percent) in the field. They typically wear work clothes and they are issued fire retardant clothing for work in close proximity to energized conductors. In addition to inspecting new construction, they investigate trouble calls or emergency problems concerning failures on the system, such as fires caused by electrical faults. These calls are routed through the electric trouble area in distribution system operations. Initially, however, electric trouble calls are routed to service operators in the 36-20 area. If a metering problem is involved, the trouble call is referred to the meter inspectors from system operators through supervisors in the meter and installation units. When responding to trouble calls, the meter inspectors figure out what needs to be fixed, but do not actually perform the repairs.

The meter inspectors are required to have a thorough knowledge of the National Electric Code. This is a basic qualification for their position. By contrast, the overhead mechanics are not required to have a thorough knowledge of the National Electric Code. The record established that meter mechanics, meter crew leaders and meter inspectors all possess a fairly strong knowledge of the electrical code. General Supervisor Lake was not aware of any incidents in which meter inspectors filled in for meter crew leaders.

The record testimony established that the applicable job description (Er. Exh. 4, #331B) is accurate. Thus, meter inspectors need to successfully complete post high school courses that deal with electric code and theory and construction drawings and they need over four years of experience in meter installation or the equivalent combination of formal education, training and experience. In addition, the meter inspectors need a thorough knowledge of the National Electric Code, BGE gas and electric standards, and metering procedures and equipment.

The meter inspectors, meter crew leaders and meter mechanics receive training as a group. The meter inspectors have received training concerning gas meter installation even though they are not actually performing the installation. The meter inspectors do not need a commercial driver's license. They drive a company passenger vehicle. The meter inspectors assist with the dispatch operation and with field reconnaissance during storm restoration activities. All the classifications in 39-11-03 (field support assistants, meter inspectors, meter crew leaders, and meter mechanics) have the same RIA goals.

The meter inspectors are not engaged in hands on work as a normal part of their job, although they could lend assistance to a meter crew. Since all the meter inspectors came from the meter crew leader classification and were trained how to install loops, they could be employed in

that activity. They carry minor tools and voltage and amp meters with them. The voltage meter takes voltage readings to insure the correct voltage for the installation. The amp meter takes current readings to measure the load on the installation. They open up equipment to look at it and test it. The applicable job histories of the meter inspectors establish that they generally have field backgrounds as either meter crew leaders (formally called principal meter installers), wiremen, cable splicers, cable installers, or fitter-installers.

The meter inspectors performed the same jobs in units 39-03-15, 16 and 17 in 1996. See Er. Exh. 9C, p. 5-28. The record testimony established that the meter inspector position has not changed and the description set forth in the Regional Director's 1996 DDE accurately reflects the functions of the meter inspectors today. In 1996, the Regional Director specifically included the meter inspectors after finding that they shared a community of interest with the production and maintenance employees sought by the Union.

I conclude that the meter inspectors are not technical employees and that they share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate herein. All of the meter inspectors have strong field construction backgrounds and have worked as meter crew leaders. They perform work that is functionally integrated with unit production and maintenance work. They review 3-phase meter installation and maintenance jobs to provide practical advice based on their experience to both the customer and the meter crews concerning what work needs to be done and how the installation or maintenance can comply with BGE's meter and construction standards. Then they complete an inspection ticket that indicates what kind of installation is involved and what materials will be required. This ticket becomes part of the work package that guides the meter crews concerning the work to be done. The meter inspectors have daily communications with the meter crew leaders and meter mechanics concerning the installation and maintenance jobs, both in person and by telephone and radio. The meter inspectors are also involved with ensuring that the necessary materials for a job are available. The inspectors regularly talk with both the field support assistants and the meter crew leaders about what materials are needed so that the proper orders are placed. They spend three quarters of their time in the field at job sites and typically wear work clothes. They carry tools, voltage and amp meters and open up equipment to test it. Although they sometimes meet with design and engineering personnel or service planners at the job site before construction, this is to explain how design standards can be practically applied and does not make them technical employees. In this regard, I note that the meter inspectors are closely guided in their work by specific BGE metering standards and overhead and underground construction standards that prescribe the parameters for the meter installation. The meter, overhead, and underground lines crews all must be familiar with these same standards. The meter inspectors do not receive any specialized training. In fact, they receive the same training and have the same qualifications as the meter crews. Moreover, they attend the same safety and informational meetings as the meter crews and overhead crews in Sections 39-11 and 39-12 and share RIA goals with them. In these circumstances, I conclude that the meter inspectors in 39-11-02 and 39-11-03 are not technical employees and do not share a community of interest with the technical employees in the BGE-wide technical unit found appropriate herein. Rather, I find that they share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909.

Distribution Construction Unit, 39-11-04 – Supervisor, Larry Burley

There are no senior construction inspectors in 39-11-04. There are overhead mechanics that the parties have agreed to include in the BGE-wide production and maintenance unit. These overhead mechanics have been on loan to perform a senior construction inspector function in 39-10-03, -04, and -05. Overhead mechanic, Kenneth Gostomski was on loan for the majority of 1999 to 39-10-05. In late 1999, he was loaned to 39-10-04. In mid February 2000, he was loaned to 39-10-03. Technically, Mr. Gostomski is an overhead mechanic in 39-11, but he has been loaned to the contractor construction organization in 39-10 to work as a senior construction inspector until he is recalled by General Supervisor Lake. Another overhead mechanic from 39-11, Vincent Hedderman, was also loaned to 39-10 during 1999. Mr. Hedderman resigned from BGE in January 2000.

Distribution Construction Unit, 39-12-04 – Supervisor, Joseph Imhoff, Jr.

Overhead Mechanics, 39-12-04 (Green and Adelsberger)

As noted above, the overhead mechanics in 39-11-03 (Tom Green and Les Adelsberger) had served as inspectors for contractor crews performing primarily residential meter and installation work, but at the time of the hearing, they were on loan to 39-12-04, where they were performing the same function. They do not inspect the work of BGE crews. Green and Adelsberger also share common direct supervision with the overhead mechanics in 39-12-04.

BGE uses a number of contractors to perform meter and installation work, particularly residential “heavy up” work. The requests for this work are routed through the field support assistants from the Customer Call Center. The field support assistants look at manpower availability for contractor crews performing heavy up work and company crews performing industrial and commercial work. The field support assistants develop a schedule of what work will be performed on what date based on available resources after coordinating with the customer or contractor. Once the job is scheduled, a field ticket is printed out of the WMS system by the field support assistant, who gives the tickets to the overhead mechanics, who direct the contractors. These contractors are assigned work by the field support assistants. These contractors run loops from the poles to the residences and install metering equipment.

The overhead mechanics inspect the work of these contractors to make sure they complete their work consistent with BGE standards and that they use the appropriate material. They spend about 80% of their time in the field. The overhead mechanics identify what material is required for the job (e.g., electric meters, meter cans, terminations, current transformers, and associated wiring) after consulting standards manuals. They place orders for materials on material order sheets. For contractors, there is no prepackaged bill of materials like those that are often prepared for in-house construction crews by the designers or resource planning specialists. In some cases, the overhead mechanics visit the job sites after the contractor has actually completed the work to make sure that construction was performed properly and to complete paperwork using the correct cost codes.

On large projects or installations, company crews performing URD installations in 39-11, or underground line crews performing underground line work in 36-06-07 and 36-06-08, might work with the contractor crews that are inspected by the overhead mechanics. On these occasions, the overhead mechanics interact with underground cable or URD crews concerning the

coordination of job tasks and duties between contractor crews and company crews. The record testimony, however, fails to establish how often this occurs.

The overhead mechanics are trained and qualified to perform field installation work. They receive the same generic training as meter crew leaders, meter mechanics and meter inspectors. When they are performing their inspection function, they are not physically engaged in meter installation or overhead mechanic work. Overhead mechanics, Green and Adelsberger, do not climb utility poles because they are elderly gentleman, although climbing utility poles is a normal part of the overhead mechanic classification. They occasionally test voltage. Generally, however, they ride around in cars from job site to job site and are not equipped to perform the physical work in the field. No other overhead mechanics are performing this type of inspection work. The record testimony established that BGE plans to wean the overhead mechanics away from this work into the overhead discipline and that the inspection function will probably become a rotational assignment of a meter crew leader or meter mechanic, although no time frame for this prospective change was provided. The record testimony further established that Mr. Green and Mr. Adelsberger are subject to being recalled to perform overhead mechanic duties as long as they hold the title of overhead mechanic. When Mr. Green and Mr. Adelsberger are not available, the contractor inspection function is performed by a meter crew leader, meter mechanic, or meter inspector.

The overhead mechanics performing inspection functions generally wear work clothes and have the standard personal protective equipment that field crews have. They are outfitted with flame retardant clothing when in close proximity to energized equipment.

The record testimony established that the applicable job description (Er. Exh. 4, #330B) is accurate for the functions of overhead mechanic, although the record testimony established that Mr. Green and Mr. Adelsberger, although trained as overhead mechanics, have not performed maintenance functions in some time. The record established that annual re-qualification is required for aerial bucket rescue training and pole top rescue training.

The overhead mechanics performing inspection functions use various service centers as home bases to perform paperwork functions, depending on where their contractor crews are working. They use shared desks and computers at these locations. They attend monthly safety meetings with equipment operators and field support assistants and supervision. They share Department 39 RIA goals with other overhead mechanics. They participate in the annual safety recertification program at the Arlington Training Center for the overhead discipline. They perform their normal inspection function when contractor crews are used to perform loop restoration work during storm emergencies. When contractor crews are not used, the overhead mechanics "could be" involved in loop restoration work performed by Meter & Installation crews in 39-11 and 39-12 or they could assist with the dispatch function.

Like the senior construction inspectors in 39-10-03,04, and 05, I find that the overhead mechanics in 39-12-04 share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate in 5-RC-14909. Initially, I note that the overhead mechanic classification in 39-11 and 39-12 is an undisputed production and maintenance classification. Tom Green and Leslie Adelsberger are overhead mechanics and have the same training and attend the same training and re-certification programs as other overhead mechanics. They are currently on loan to the meter and installation units in 39-11-03 and 39-12-02 to work temporary assignments as inspectors for residential meter work done by contractors. This work involves changing the meter and related equipment in order

to increase service to a residence. They are trained to perform this work themselves, and they inspect the work to make sure it complies with BGE metering and construction standards. They also identify materials needed for these jobs and communicate orders to the field support assistants, whom I have included in the production and maintenance unit as plant clericals. Other overhead mechanics, who are undisputed production and maintenance employees, also inspect contractor work. In fact, when Green and Adelsberger are not available to inspect contractor work, the meter crew leaders and meter mechanics perform this function. Green and Adelsberger share common direct supervision with other overhead mechanics, attend the same monthly meetings with these overhead mechanics, and share the same RIA goals. They spend most of their time in the field at job sites and regularly interact with splicing crew leaders and cable splicers from underground lines in 36-06-01. They also regularly communicate with these employees about how work will be divided between the BGE underground lines crews and the contractor crews performing the meter work. In these circumstances, I conclude that the overhead mechanics in 39-12-share a sufficient community of interest with production and maintenance employees to be included in the BGE-wide production and maintenance unit found appropriate herein.